



**Town of Frederick
Board of Trustees Agenda**
Frederick Town Hall
401 Locust Street
Tuesday, January 27, 2015

**6:30 P.M.
Work Session**
General Discussion

**7:00 P.M.
Regular Meeting**

Call to Order – Roll Call:

Pledge of Allegiance:

Approval of Agenda:

Special Presentations:

Public Comment: This portion of the Agenda is provided to allow members of the audience to provide comments to the Town Board. Please sign in and the Mayor will call you. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to three (3) minutes.

Staff Reports:

- A. Administrative Report – Matt LeCerc, Town Manager
- B. Town Clerk's Report – Meghan Martinez, Town Clerk
- C. Town Attorney' Report – Rick Samson, Town Attorney

Consent Agenda: Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda

- D. Approval of January 13, 2015 Minutes – Meghan Martinez, Town Clerk
- E. Acknowledgement of Receipt of List of Bills – Mitzi McCoy, Finance Director
- F. Resolution 15R4 Designating the Town of Frederick Comprehensive Plan Map as the 3-Mile Plan – Jennifer Simmons, Planning Director

Built on What Matters.

Action Agenda:

G. Public Hearing East Highway 52 Annexations 1-3 and Assignment of Zoning – Jennifer Simmons, Planning Director

1. Resolution 15R3 Regarding East Highway 52 Annexations Nos. 1, 2, and 3 Public Hearing, Adopting Certain Findings of Fact and Conclusions Favorable to the Annexation
2. Ordinance 1188 Annexing a Parcel of Land to be known as the East Highway 52 Annexation No. 1
3. Ordinance 1189 Annexing a Parcel of Land to be known as the East Highway 52 Annexation No. 2
4. Ordinance 1190 Annexing a Parcel of Land to be known as the East Highway 52 Annexation No. 3
5. Ordinance 1191 Establishing the Zoning of the East Highway 52 Annexations No. 1, No. 2, and No. 3 to “Mixed Use Highway 52 Commercial”

H. Consideration of a Request to Amend Ordinance 927 Conditions of Approval – Jennifer Simmons, Planning Director

I. Request for Assistance to Demolish the Structure at 206 5th Street – Matt LeCerf, Town Manager

Discussion Agenda:

J. Snow Plowing Operations and Removal – Rory Hale, Public Works Director

K. Issuing New Debt as Part of the Refinancing of the Colorado Boulevard Bonds – Matt LeCerf, Town Manager

Mayor and Trustee Reports:

Executive Session:

To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a) regarding property acquisition.

Work Session: General Discussion



TOWN OF FREDERICK MEMORANDUM

TO: Honorable Mayor Tony Carey and Board of Trustees

FROM: Meghan Martinez, Town Clerk

DATE: January 23, 2015

SUBJECT: Town Clerk Report

- *2015 Legislation Session.* Reviewed proposed changes to the Municipal Election Code. Provided documentation to the Town Attorney as well. We will be monitoring these bills as they make their way through the legislative process.
- *Open Records Requests.* Two open records requests have been processed and completed for 2015.
- *Frederick High School Scholarship.* The 2015 Scholarship Application has been forwarded to the St. Vrain Valley School District. Students must return their application to Town Hall by March 27, 2015.
- *Leadership Weld County.* Participated in a ride along with the Frederick Police Department to meet the ride along requirement associated with the program.
- *New Presentation Equipment.* New presentation equipment has been installed to help streamline presentations in the Board Room.
- *Liquor Licensing.* Coordinating with licensing staff regarding inquiries from two licensees regarding a license type change and a potential sale and transfer.
- *Community Funding Requests.* Responded to inquiries regarding funding requests. These items will be scheduled as they are received.
- *Weld County Genealogical Society Request.* The WCGS will be adding the names located on the Miners' Memorial Wall to their Master Index. They have requested I prepare an article regarding the wall. They will be publishing the article as well as information on how names can be added to the wall.
- *Business Licensing.* The following new business licenses were issued:
 - 050 Barbell Clamps Ltd – 3762 Imperial Street, Unit A
 - Gadsden Arms – 8105 W. I-25 Frontage Road

Built on What Matters.



255 Weaver Park Rd., Suite 200 - Longmont, Colorado
80501

POST OFFICE BOX 1079 80502-1079
T (303) 776-1169 - F (303) 776-5444
Samsonlongmontlaw.com

TO: Mayor and Trustees, Town of Frederick

FROM: Rick Samson

DATE: 1/21/15

RE: Status Report for November

-
- Attended Development Review Committee Meeting.
 - Attended one Planning Commission meeting.
 - Prepared legal comments for Jeff Mark's request to modify conditions on approval of Outlot L in Johnson Farms.
 - Reviewed publications requirements for Highway 52 Annexation at request of Mayor.
 - Prepared legal comments for AM for Highway 52 Annexation.
 - Met with Mayor Pro-Tem Brown regarding position of Court Clerk and prepared memo for her.
 - Still waiting for the title company and the Eagle Business Park developer for the deeds to property to be deeded to us.
 - Worked with Planning Department on Highway 52 Annexation.
 - Still monitoring the litigation with Frederick Firestone Fire Protection District and Mountain View Fire Protection District.
 - Prepared contract for company demolishing the old maintenance building.
 - Worked on three analyses for Matt on potential land acquisition/land use issues.
 - Worked with Planning Department on updating the base Annexation Agreement document.
 - Worked with Town Clerk on several municipal code issues.
 - Prepared resolution indicating posting places and newspaper for legal publications.
 - Provided Mitzi with information for the bond company.
 - Reviewed site plan and replat for Premium Powder Coating.

**REGULAR BOARD MEETING MINUTES
TOWN OF FREDERICK BOARD OF TRUSTEES
Frederick Town Hall, 401 Locust Street
Tuesday, January 13, 2014**

At 7:00 P.M. Mayor Carey called the meeting to order and requested roll call.

Roll Call

Present were Mayor Carey, Mayor Pro Tem Brown and Trustees Schiers, Skates, Payne, Hudziak and Burnham. Also present were Town Manager Matt LeCerf, Town Attorney Rick Samson, and Town Clerk Meghan Martinez.

Pledge of Allegiance: The Mayor invited everyone to join in the Pledge of Allegiance.

Approval of Agenda: The executive session was removed from the agenda.

Special Presentations:

DRCOG: Jennifer Schaufele, Executive Director of the Denver Regional Council of Governments gave a brief overview of DRCOG and Frederick's participation within the organization.

CACP Award: Lt. Frank Acosta presented the Frederick Police Department with their reaccreditation from the Colorado Association of Chiefs of Police.

Public Comment:

Joe Wojciechowski, 5759 Pintail Way Frederick, CO voiced his opposition to the proposed United Power acquisition.

Dick Wyatt, 3601 Morningside Circle Frederick, CO voiced his opposition to the proposed United Power acquisition.

Admin Report: Town Manager Matt LeCerf provided a written report to the Board.

Town Clerk's Report: Town Clerk Meghan Martinez provided a written report to the Board.

Trustee Hudziak inquired as to the codification of the municipal code and the proposed cleanup items referenced in the Clerk's Report. Mayor Carey requested the Town Clerk provide the Board with a redline version of the proposed changes.

Attorneys Report: Town Attorney Rick Samson provided a written report to the Board.

Consent Agenda: Motion by Mayor Pro Tem Brown and seconded by Trustee Skates to approve the consent agenda. Upon roll call vote, motion passed unanimously.

- December 9, 2014 Minutes
- December 11, 2014 Minutes
- Resolution 15R1 Setting the Posting Place for Town of Frederick Meeting Agendas
- Ordinance 1186 Amending Section 10-12 Court Surcharge
- Resolution 15R2 Adopting a Capital Improvement Plan for 2015 Budget Year

- Agreement with New Consolidated Lower Boulder Reservoir and Ditch Company for the Layton Lateral Flow Measurement Improvements
- Consideration of Awarding a Contract for the 1st Street Non-Potable Water Main Extension Project

Upon roll call vote, motion passed unanimously.

Action Agenda:

Ordinance 1187 Authorizing the Issuance of the Towns Sales and Use Tax Revenue Refunding Bonds, Series 2015: Town Manager Matt LeCerf introduced Alan Matlosz with George K. Baum who addressed questions from the Board regarding the refunding bonds. Motion by Trustee Payne and seconded by Trustee Schiers to approve Ordinance 1187. Upon roll call vote, motion passed unanimously.

Consideration of Approval of a Bid for New Coal Ridge Ditch Company Water Shares: Engineering and Utilities Director Dick Leffler requested the board ratify the bid for water shares. Motion by Trustee Skates and seconded by Trustee Burnham to proceed with the offer and ratify the bid. Upon roll call vote, motion passed unanimously.

Consideration of the 10th Interim Agreement with Northern Colorado Water Conservancy District for Participation in the Northern Integrated Supply: Engineering and Utilities Director Dick Leffler presented the proposed 10th Interim Agreement for NISP. Motion by Trustee Burnham and seconded by Trustee Schiers to approve the Agreement. Upon roll call vote, motion passed unanimously

Mayor and Trustee Reports:

Mayor Carey: Requested an explanation of the snow removal process in the Town. Public Works Director Rory Hale addressed the Board. Mayor Carey also wanted to address the trash issue. The Board will be meeting with the single source trash provider this year and will be discussing the recent level of service.

Trustee Payne: He addressed the inventory of the United Power system and inquired about why there is a delay in completing the inventory. Town Manager Matt LeCerf indicated that United Power has not completed the inventory and a date of completion has not been provided at this time.

Trustee Schiers: Congrats to Chief Barbour and the Frederick Police Department on their award. She is very proud of everything they do in Town. The I-25 coalition has a lot of representation and they are looking at their options. She was happy to hear that DRCOG will be attending their next meeting.

Trustee Skates: Congrats to the PD, it proves we have the best police department.

Trustee Hudziak: She inquired as to whether anyone was planning to attend the Rec District meeting next week.

Trustee Burnham: He suggested that the Board consider a policy allocated a certain amount of time for special presentations.

Mayor Pro Tem Brown: Congrats to Chief Barbour and the Police Department for their ongoing accomplishments. Next week there will be a work session on commissions.

There being no further business of the Board, Mayor Carey closed the meeting at 9:37 p.m.

ATTEST:

Approved by the Board of Trustees:

Meghan C. Martinez, Town Clerk

Tony Carey, Mayor

Town of Frederick-List of Bills
November 29, 2014-January 16, 2015

4 RIVERS EQUIPMENT LLC	Equipment	304.90
A KID'S PLACE	December User fees	219.00
A.L.E.R.T. / SAM	2015 membership dues	80.00
ACE HARDWARE OF FIRESTONE	Supplies	822.64
ADAMS COUNTY COMBINED COURTS	Bond Transfer	250.00
ADAMSON POLICE PRODUCTS	Police Equipment	218.33
ADVERTISING CONCEPTS INC	ID Sign	34,420.00
AGREN BLANDO COURT REPORTING & VIDEO	Court Transcript	238.68
ALSCO	Public Works Uniforms	776.92
AMERICAN FAMILY INSURANCE	Commercial General Liability Insurance	206.00
ARAPAHOE DISTRICT COURT	Bond Transfer	4,000.00
ARIELMIS INC	DRC automation project	875.00
ARROW OFFICE EQUIPMENT, INC.	Office supplies	4,748.21
ARTHOUSE DESIGN	Design & Production	1,500.00
AT&T MOBILITY	GPS Modem Service	123.60
B&L REPAIR	Vehicle Maintenance	1,779.09
C & L WATER SOLUTIONS	Hydrant Deposit Refund	2,200.00
CAMCA	2015 membership dues	20.00
CARBON VALLEY CAR WASH LLC	Vehicle Maintenance	180.22
CARBON VALLEY RECREATION DIST	Festive Fridays	402.00
CARD SERVICES	Travel & Training /Supplies	16,256.30
CASELLE, INC.	Contract Support & Maintenance	6,241.00
CENTRAL WELD COUNTY WATER DIST	Water Usage	54,608.22
CENTRAL WELD CTY WATER DIST	Water Taps	90,000.00
CENTURYLINK COMMUNICATIONS LLC	Phone Services	136.55
CES (Colorado Accounts - SW)	Equipment	578.75
CHEMATOX LABORATORY INC	Blood tests	295.00
CHURCHICH RECREATION, LLC	Bench at Thunder Valley	804.87
CINTAS CORPORATION	Document Shredding	142.80
CITY OF BOULDER RADIO SHOP	Equipment repairs	145.00
CITY OF LONGMONT	Range use	600.00
CIVIC RESULTS	Annual Dues for Metro Mayors Caucus	730.59
CIVIL RESOURCES, LLC	Engineering Consulting	25,451.00
COAL CREEK PROPERTIES	Refund Overpayment	216.28
CODE PUBLISHING INC	Frederick Municipal Code	193.05
COLORADO ASSOC. OF MUNICIPAL UTILITIES	2015 CAMU Membership	1,059.97
COLORADO ASSOC. OF PERMIT TECHNICIANS	2015 Membership Dues	25.00
COLORADO STATE TREASURER	4th Qtr Unemployment Insurance 2014	2,146.10
COMANCHE CREEK	Pest Control	1,120.00
COMCAST CABLE	Internet Services	558.14
COMCAST PHONE	Phone service	520.75
COMMUNITY PET HOSPITAL	K-9 services	108.72
CONESCO	Equipment for new PW Facility	3,574.00
CONQUEST ELECTRIC INC	Plan Review refund	20.00
COREN PRINTING INC	Juvenile promise	59.32
CUSTOM FLAG COMPANY	Town Flags	315.00
CUTWATER INVESTOR SERVICES CORP	Investment Services	825.51

Town of Frederick-List of Bills
November 29, 2014-January 16, 2015

DANA KEPNER CO	Water Meter Supplies	2,839.48
DENVER REGIONAL COUNCIL OF GOVERNMENT	Plan metric Project - GIS data	5,780.00
DEPARTMENT OF MOTOR VEHICLE	4th Quarter OJ/W & Default Fees	135.00
DIANA LETKOMILLER	Deck the Downtown 2nd place winner	250.00
DR HORTON	Refund Overpayment	3.44
ELSTER SOLUTIONS LLC	Electric Meters	1,693.94
ENVIRONMENTAL SYSTEMS RESEARCH INSTITUT	GIS Enterprise License Agreement	10,000.00
ENVIRONMENTAL TESTING INC	Asbestos assessment	1,275.00
ENVIROTECH SERVICES, INC.	Ice Slicer	19,098.35
ESPIOC	2015 membership dues	75.00
EWING AUTO PARTS INC.	Propane for heaters	17.54
EXPONENTIAL ENGINEERING COMPANY	Electrical Engineering Services-Metering	4,317.80
FAIRFIELD AND WOODS PC	Legal-Electric O&M	3,826.00
FARIS MACHINERY COMPANY	Repairs	1,631.47
FASTENAL COMPANY	Hot Tapping System	711.25
FELSBURG HOLT & ULLEVIG, INC.	October entryway work	3,615.92
FERGUSON & ASSOCIATES CORPORATION	Flex framework programing and support	2,000.00
FP MAILING SOLUTIONS	Meter rental	111.00
FREDERICK FIRESTONE FIRE PROTECTION DIST	Blood draws	99.60
FREEDOM MAILING SERVICES LLC	Utility Billing	4,578.66
FROMAGE TO YOURS	Festive Fridays	192.00
FRONT RANGE STRIPING	Epoxy pavement markings	27,472.25
FRONTIER BUSINESS PRODUCTS	Scanner	285.00
GEORGIA BOYS	Restitution	24.24
GLH CONSTRUCTION INC	Hydrant meter deposit refund	2,200.00
GRAINGER	Equipment	357.50
GREEN MILL SPORTMAN'S CLUB	Range use	100.00
GUARDIAN TITLE	Refund Overpayment	42.68
HALLECK ENTERPRISES	PW Land rent	1,317.00
HDR ENGINEERING INC	Development Review Services	131.26
HJ COMMERCIAL	Refund Overpayment	153.35
HOME DEPOT/GEFC	Supplies/Equipment	2,603.82
HOTSY EQUIPMENT OF N COLORADO INC	Equipment	741.00
HUMAN RESOURCE MANAGEMENT CONSULTAN	Staff and Board Coaching	1,100.00
IAN ALBERT	Tuition Reimbursement	808.05
IN FORM CREATIONS LLC	Branding	500.00
INTERNATIONAL CODE COUNCIL INC	Govt. Member Dues 2015	125.00
INTERSTATE FORD	Vehicle repairs	19.00
INTERSTATE RENTALS & SALES, INC.	Equipment Rental	299.59
J & R CONSTRUCTION LLC	ADA ramps park project	12,780.00
JANICE COCHRAN-YOUNG	Tree lighting	250.00
JEFF CAHN INC	Judge Services	2,400.00
JENDE HAGAN, LLC	Revolving Loan	2,400.00
JIM DEEMING	Festive Fridays music	200.00
JOSHUA WICKSTROM	Restitution	693.69
KATHY WARDLE	Phase 1 Sculpture	18,666.66
KEMP & HOFFMAN	Prairie Greens Pond Repair Project	30,984.62

Town of Frederick-List of Bills
November 29, 2014-January 16, 2015

KENT VANDYNE	Relocating reimbursement	144.01
KINSCO LLC	Police Equipment	154.99
KODIAK RANCH	Tree lighting	750.00
KRISTIN NORDECK BROWN P.C.	Legal Services	2,724.00
L.G EVERIST INC	3rd Qtr 2014-Sales Tax Rebate	13,974.00
L.G. EVERIST INC	Squeegee	15.37
L.L. JOHNSON DISTRIBUTING COMPANY	Supplies	16.81
LAND TITLE	Refund Overpayment	23.13
LASTING IMPRESSIONS	Officer of the Year plaque	60.00
LENNAR COLORADO LLC	Refund Overpayment	184.52
LIGHT SPEED COLOR	Calendar printing & postage	8,261.22
LONGMONT HUMANE SOCIETY	Animal impound fee	2,380.00
MAIN STREET MAT COMPANY	Mat Service	786.50
MEGHAN MARTINEZ	Reimbursement for Recording Costs	63.00
METRO CITY & COUNTY MGMT ASSOC.	2015 Membership Dues	10.00
MIDWEST RADAR & EQUIPMENT	Equipment Certification	520.00
NELSI MALDONADO	Equipment repairs	210.00
NEWMAN TRAFFIC SIGNS, INC.	Signs	410.16
NORTH AMERICAN TITLE CO	Refund Overpayment	408.64
NORTHERN CHEYENNE TRIBAL PRESERVATION	Goddling Hollow	390.00
NORTHERN CO. WATER CONSERVANCY DISTRICT	Irrigation Education Classes	225.00
NORTHERN COLORADO CONSTRUCTORS INC	Eagle Business Park Ph.2	155,263.02
NORTHERN COLORADO CRIME STOPPERS	2015 participation dues	250.00
OCPO	Online Certification Exam	70.00
OFFICE DEPOT	Office supplies	378.64
O'REILLY AUTOMOTIVE INC	Supplies	733.45
PHAZE CONCRETE	Hydrant Deposit Refund	2,013.64
PINNACOL ASSURANCE	Worker's Comp	14,367.00
POLICE EXECUTIVE RESEARCH FORUM	Membership Fee	200.00
PRAIRIE MOUNTAIN PUBLISHING LLP	Publishing	241.02
PRE ACTION FIRE INC	Wireless Monitoring	525.00
PRODUCTIVITY PLUS ACCOUNT	Filters	147.81
QUALITY INN LONGMONT	Frederick in Flight	1,998.97
RAMEY ENVIRONMENTAL COMPLIANCE	ORC Services Distribution & Collection System	200.00
RANCH LAND HOLDINGS LLC	Refund of SAFE Costs	3,489.00
REDI SERVICES LLC	Monthly Servicing of Porta Johns	440.00
RICHMOND AMERICAN HOMES	Refund Overpayment	6.23
RICOH USA INC	Lease on copier & printing	639.60
ROCHE CONSTRUCTION INC	Retainage on PW Building	73,443.71
RORY HALE	Relocation Expenses	2,836.66
ROSA LUCAS	Spanish interpreting	60.00
RUBY NEWELL-LEGNER	Customer Service Training Videos	997.00
SAFELITE FULFILLMENT INC	Windshield repairs	159.83
SAFETY & CONSTRUCTION SUPPLY INC	Safety Supplies	127.46
SAFEWAY	Thanksgiving Dinner in a box/Gift cards	3,256.53
SAGE ECOLOGICAL SERVICES LLC	Environmental consulting services	19,035.28
SAINT AUBYN HOMES	Refund Overpayment	510.61

Town of Frederick-List of Bills
November 29, 2014-January 16, 2015

SAM'S CLUB / GECRB	Supplies	337.23
SAMSON LAW FIRM	Fred/Retainer	23,000.00
SHIRCO PRODUCTS	Stamp	65.95
SIMPLEX GRINNELL	Annual extinguisher inspections	131.25
SOURCE GAS	Gas Usage	8,584.46
SPENCER FANE BRITT & BROWNE LLP	November work on Puritan	4,164.00
STEWART TITLE	Refund Overpayment	90.28
STRIGLOS COMPANIES, INC.	Computer equipment	1,784.00
STRUCKMAN SCULPTURE ICE INC	Tree lighting	1,000.00
STURGEON ELECTRIC COMPANY	Signal modifications @ Tipple Pkwy & Colo	9,745.00
TASER INTERNATIONAL	PD Equipment	116.45
TELOS ONLINE	PW building wireless service	619.98
THE NAKED HANGER	Uniform cleaning	505.75
THE OGDEN GROUP	Deck the Downtown contest winner	500.00
THE TREE FARM	2014 tree purchase for parks	4,134.60
THINK TANK STUDIO	450 Oak St Improvements	3,239.83
TIMBERLAN	SSL Certificate Renewal	10,828.58
TLO LLC	Investigation fees	150.75
TODD OLSON	Balance of Restitution	357.80
TOTAL FACILITY CARE	Cleaning Services	1,600.00
TOWN OF FREDERICK	Petty Cash	104.22
TRAFFIC SIGNAL CONTROLS INC	Turning Signals at Tipple & Colo Blvd	19,218.00
TYLER SCHWARTZKOPF	Board Meeting Recordings	60.00
U.S. POSTAL SERVICE (CMRS-FP)	Postage for meter machine	1,000.00
ULTIMATE DATABASE SOLUTIONS INC	2015 RMS agreement	4,500.00
UNC FOUNDATION/EAST COLORADO SBDC	2015 Sponsorship	1,500.00
UNITED POWER	Electric Utility & Electric O&M	275,505.08
UNITED RENTALS (NORTH AMERICA) INC	Road plate	36.25
UPPER CASE PRINTING, INK.	Newsletter printing	1,932.72
US AUTO FORCE	Vehicle maintenance	542.12
UTILITY NOTIFICATION CENTER OF COLORADO	Utility Locates	1,011.33
UTILITY SALES & SERVICE INC	Contract Meter reading & meter testing	3,046.20
VERIZON WIRELESS	Cell Phone services	3,771.88
W.L. CONTRACTORS, INC.	Monthly Maintenance Fee	330.02
WALMART	Gift Cards	2,500.00
WARD ELECTRIC COMPANY INC	Electric O & M	21,417.04
WASTE CONNECTIONS OF COLO INC	Trash Service	78,945.28
WELD COUNTY GOVERNMENT	Detention charges	25.72
WELD COUNTY TREASURER	Property Taxes	5,815.55
WESTERN UNITED ELECTRIC SUPPLY CORP	Electrical Supplies	215.57
WILLIAM Y LEUNG LLC	Consulting Services	3,539.64
WORKWELL OCCUPATIONAL MEDICINE	Evaluation	315.00
WRIGHT EXPRESS	Fuel	11,796.75
YOUTH & FAMILY CONNECTIONS	2015 contribution	4,563.00
	Total:	<u>1,254,751.76</u>



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

To Consider a Resolution Designating the Town of Frederick Comprehensive Plan Map as the 3-Mile Plan

Agenda Date: January 27, 2015

Attachments:

- a. Comprehensive Plan Map
- b. Planning Commission Minutes from January 6, 2015
- d. Resolution 15-R-4

Finance Review: _____
Finance Director

Submitted by: _____
Jennifer Simmons
Planning Director

Approved for Presentation: _____
Matthew Stetz
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Summary Statement:

The Town of Frederick originally adopted the Town of Frederick Comprehensive Plan Map on April 20, 2006 and it functioned as the Town's 3-mile plan until its formal designation with Resolution 08-R-017 March 13, 2008. Since then, resolutions have been adopted annually to continue the designation of the Comprehensive Plan Map as the 3-mile plan. This resolution would extend the designation for another year.

Detail of Issue/Request:

In March 2008, the Town of Frederick designated the Town of Frederick Comprehensive Plan Map as the Town's official 3-mile plan with Resolution 08-R-017. This designation complies with Colorado Revised Statute 31-12-105.

Built on What Matters.

As required by State Statute, the Town must designate a 3-mile plan to be followed during the annexation process. The plan must be designated and updated annually. The Town has historically used the Comprehensive Plan Map as its 3-mile plan.

Because this is an act that affects the Comprehensive Plan, the Planning Commission must review the request before presenting it to the Board of Trustees for ratification.

Public Notice: This project was noticed in accordance with the provisions of the Land Use Code.

Planning Commission: The Planning Commission heard this application at the public hearing held January 6, 2015. The Commission approved PCR-2015-02A unanimously, approving the designation of the Comprehensive Plan as the 3-mile plan, in accordance with State Statutes.

Legal/Political Considerations:

The Comprehensive Plan also known as the Comp Plan and as the Town's master plan was duly adopted by the Planning Commission on January 6, 2015. There is also a statutory requirement for the Town to adopt a 3 Mile Plan and in 2006 a decision was made to include the 3 Mile Plan as part of the Comp Plan. The adoption on January 6, 2015 also adopted the 3 Mile Plan. This dual purpose was actually recognized by the Court as being acceptable in *Town of Erie v. Town of Frederick* 07 CV 426. Once a plan is adopted by the Planning Commission, the Board of Trustees traditionally accepts the Plan as adopted by the Planning Commission.

Alternatives/Options:

The Board of Trustees may accept the decision of the Planning Commission.

Financial Considerations:

Not Applicable.

Staff Recommendation:

Staff recommends approving the Resolution accepting the designation of the Comprehensive Plan Map as the 3-mile plan.

TOWN OF FREDERICK

Adopted by the Planning Commission August 21, 2012
Revised 5/19/2014

Comprehensive Plan

Land Use

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed-Use Residential Neighborhood
- Neighborhood Commercial
- Downtown Commercial
- Mixed-Use Highway 52 Commercial
- Community Commercial
- Employment
- Regional / Corridor Commercial
- Light Industrial
- Public/Quasi-Public Facilities
- Parks and Open Lands
- Community Separator

Transportation

- Collector Road
- 2-Lane Arterial
- 4-Lane Arterial
- 4-Lane Highway Arterial
- Interstate Highway
- Modified Arterial

Community Facilities

- PreSchool/Existing
- K-8/Existing
- Charter School/Existing
- Elementary School
- Existing
- Proposed
- Middle School
- Existing
- Proposed
- High School
- Existing
- Proposed
- Recreation Center
- Library
- Firestation
- Existing Facility
- Park and Ride
- Town Boundary
- Planning Area Boundary

Disclaimer:

This map is general representation of the Land Uses within the Town of Frederick. The map is for general representation only and may contain information that is not current.

The Town of Frederick does NOT warrant the precise boundaries and shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of cause. The Town of Frederick assumes no liability for any decisions made or actions taken or not taken in reliance upon this map or any information provided on this map.

Records and additional maps are available for review at the Town of Frederick, Planning Department, 401 Locust Street, Frederick, CO 80530
telephone 720.382.5500, fax 720.382.5520, website: www.frederickco.gov

0 0.25 0.5 1 Miles



Boulder County
Weld County

Firestone

Erie

Dacono



401 LOCUST STREET • P.O. BOX 435 • FREDERICK, CO 80530-0435

PHONE: (720) 382-5500 • FAX: (720) 382-5520

WWW.FREDERICKCO.GOV

MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
January 6, 2015
6:30 PM

ATTENDANCE: Chairman Don Hard, Commissioners Tracy Moe and Andy Calmeyn were present. Also present were Planning Director Jennifer Simmons and Town Attorney Rick Samson.

ROLL CALL: Chairman Hard called the regular meeting to order at 6:30 PM. Roll call was taken; absent were Commissioner Jill McNally and Alternate Commissioner Alan Blair.

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

APPROVAL OF MINUTES FROM THE DECEMBER 2, 2014 MEETING: Commissioner Moe made a motion to approve the minutes from the December 2, 2014 meeting with one correction on page two. Commissioner Calmeyn seconded the motion. All in favor, motion carried.

CONSIDERATION OF EAST HIGHWAY 52 ANNEXATIONS 1 – 3 AND ZONING: Planner Simmons presented the Staff Report by stating that this is a request for the Town to annex a total of approximately 42.418 acres in three annexations of right-of-way.

An application for annexation of three segments of State Highway 52 right-of-way has been submitted. This area is east of the Town boundary, approximately 1.4 miles in length. The requested zoning for the annexations is Mixed Use Highway 52.

The annexations meet the contiguity requirements established by State Statute. The western boundary of Annexation #1 has 956.99 feet contiguous by being adjacent to the existing Town boundary annexed with the Johnson Farm/Spindle Hill Energy Annexation No. 1. The property's total boundary is 5,736.94 feet, 16.7% of which is contiguous with existing Town boundary, thereby meeting the required minimum of at least 1/6 (16.7%) contiguity, which would be 956.16 feet.

Next, Annexation #2 has 2,360.90 feet contiguous by being adjacent to East Highway 52 Annexation No. 1. The property's total boundary is 10,132.12 feet, 16.9% of which is contiguous with existing Town boundary, thereby surpassing the required minimum of at least 1/6 (16.7%) contiguity, which would be 1,688.69 feet.

Finally, Annexation #3 has 1,411.79 feet contiguous by being adjacent to East Highway 52 Annexation No. 2. The property's total boundary is 8,321.17 feet, 23% of which is contiguous with existing Town boundary, thereby surpassing the required minimum of at least 1/6 (16.7%) contiguity, which would be 1,386.86 feet.

The review criteria against which the Planning Commission and Board of Trustees should consider the proposed annexations as required by the Town Land Use Code have been met.

Built on What Matters.

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

The Town Attorney has reviewed the annexations.

Staff recommends that the Planning Commission approve PCR-2015-01A, recommending that the Board of Trustees approve the East Highway 52 Annexations 1 – 3 and zoning.

Commissioner Moe asked why the Planning Commission is re-visiting this for a third time.

Planner Simmons said that this third time is to insure that all Statutes and timing requirements are met.

Chairman Hard asked why Dacono believes that the annexation does not meet the State Statute requirements.

Town Attorney, Rick Samson, said that Dacono is not aware of the Revised State Statute that allows this to be done.

Commissioner Moe made a motion to recommend approval of PCR-2015-01A, "A Resolution of the Planning Commission Recommending Approval of the East Highway 52 Annexations 1 – 3 and Assignment of Zoning". Commissioner Calmeyn seconded the motion. All in favor, motion carried.

REQUEST TO CONSIDER ADOPTION OF THE COMPREHANSIVE PLAN MAP AS THE 3-MILE PLAN:

Planner Simmons presented the Staff Report stating that the Town of Frederick originally adopted the Town of Frederick Comprehensive Plan Map on April 20, 2006 and it functioned as the Town's 3-mile plan until its formal designation with Resolution 08-R-017 March 13, 2008. Since then, resolutions have been adopted annually to continue the designation of the Comprehensive Plan Map as the 3-Mile Plan. This resolution would extend the designation for another year,

In March 2008, the Town of Frederick designated the Town of Frederick Comprehensive Plan Map as the Town's official 3-mile plan with Resolution 08-R-017. This designation complies with Colorado Revised Statute 31-12-105.

As required by State Statute, the Town must designate a 3-mile plan to be followed during the annexation process. The plan must be designated and updated annually. The Town has historically used the Comprehensive Plan Map as its 3-mile plan.

Because this is an act that affects the Comprehensive Plan, the Planning Commission must review the request before presenting it to the Board of Trustees for ratification on January 27, 2015.

Commissioner Moe asked if that were any changes made to the Comprehensive Plan in the last year.

Planner Simmons said that the Comprehensive Plan is the same as last year. The last changes were about a year and a half ago.

Chairman Hard closed the regular meeting of the Planning Commission and opened the Public Hearing.

Scott Jeffries addressed the Commission with issues regarding the annexation of Highway 52. Chairman Hard told him that the Public Hearing was for the Comprehensive Plan, not Highway 52.

Jim Bushnell then addressed the Commission by stating that he is not in favor of urban growth. He boards horses and has a therapeutic riding center. He doesn't understand why the Town is interested in developing land that is agricultural.

Chairman Hard explained that the Comprehensive Plan is simply a plan for the future.

Mr. Bushnell asked about the maintenance of the roadways with the growth and more traffic. Who will perform the seasonal snow plowing, mowing and weed control? What are the long range plans for widening?

Planner Simmons explained that the maintenance will remain with CDOT. There was one incident which required the Town of Frederick snow plows to respond because CDOT was unable to respond, but that was an exception. The maintenance of the road and ditch will remain with CDOT. Simmons further explained that the county roads will become the Town's responsibility while the state highways will remain with CDOT. The Transportation Plan calls out what roads will be arterial vs collector roads.

Chairman Hard closed the Public Hearing and re opened the regular meeting of the Planning Commission.

Commissioner Calmeyn made a motion to recommend approval of PCR-2015-02A, "A Resolution of the Planning Commission Approving the Designation of the Town of Frederick Comprehensive Plan Map as the Town's 3-Mile Plan". Commissioner Moe seconded the motion. All in favor, motion carried.

OTHER BUSINESS: Planner Simmons said that there are no meeting scheduled, however Planning has a number of applications and she will let the commission know when the next meeting will be.

With no further business, the meeting was adjourned at 7:04 PM.

Don Hard, Planning Commission Chairman

Kathy Larson, Secretary

RESOLUTION NO. 15-R-4

A RESOLUTION ACCEPTING DESIGNATION OF THE TOWN OF FREDERICK'S COMPREHENSIVE PLAN AS THE TOWN'S THREE MILE PLAN AND ACCEPTING AN ANNUAL UPDATE TO THE COMPREHENSIVE PLAN APPROVED BY THE PLANNING COMMISSION

WHEREAS, the Town of Frederick Comprehensive Plan was adopted April 20, 2006 by its Planning Commission, and accepted April 27, 2006 by its Board of Trustees; and

WHEREAS, it was the intent and desire of the Planning Commission to update and amend the Comprehensive Plan in order to include recently annexed land and to provide for planned and orderly development of the Town of Frederick; and

WHEREAS, in March 2008, the Town of Frederick designated the Frederick Comprehensive Plan Map as the Town's official Three-Mile plan pursuant to Resolution 08-R-017, in compliance with Colorado Revised Statute (C.R.S.) § 31-12-105; and

WHEREAS, in accordance with the framework for Three-Mile municipal plans and "master plans", under C.R.S. §§ 31-12-105 and 31-23-206, the Planning Commission updated the Town's Comprehensive Plan as the Town's Three-Mile plan on January 6, 2015, pursuant to Planning Commission Resolution-2015-02A.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. The Town accepts PCR-2015-02A, designating the Town's Comprehensive Plan as its Three-Mile plan, and updating the Comprehensive Plan, as of January 27, 2015.

Section 2. Effective Date. This resolution shall become effective immediately upon adoption.

Section 3. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED AND ADOPTED THIS 27TH DAY OF JANUARY 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Tony Carey, Mayor

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

A Request to Consider the East Highway 52 Annexations 1-3 and Assignment of Zoning

Agenda Date: January 27, 2015

Attachments:

- a. January 6, 2015 Planning Commission minutes
- b. Vicinity Map
- c. Annexation Plat
- d. Annexation Resolution
- e. Annexation Ordinances 1188, 1189, and 1190
- f. Zoning Ordinance 1191

Finance Review: _____
Finance Director

Submitted by: _____
Jennifer Simmons
Planning Director

Approved for Presentation:  _____

☒ Quasi-Judicial

☐ Legislative

☐ Administrative

Summary Statement:

This is a request for the Town to annex a total of approximately 42.418 acres in three serial annexations of right-of-way.

Detail of Issue/Request:

An application for annexation of three segments of State Highway 52 right-of way has been submitted. As you can see on the attached vicinity map, the area is east of the existing Town boundary,

Built on What Matters.

approximately 1.4 miles in length. The requested zoning for the annexations is Mixed Use Highway 52. The annexations meet the contiguity requirements established by State Statute.

The western boundary of Annexation #1 has 956.99 feet contiguous by being adjacent to the existing Town boundary annexed with the Johnson Farm/Spindle Hill Energy Annexation No. 1. The property's total boundary is 5,736.94 feet, 16.7% of which is contiguous with existing Town boundary, thereby meeting the required minimum of at least 1/6 (16.7%) contiguity, which would be 956.16 feet. Next, Annexation #2 has 2,360.90 feet contiguous by being adjacent to East Highway 52 Annexation No. 1. The property's total boundary is 10,132.12 feet, 16.9% of which is contiguous with existing Town boundary, thereby surpassing the required minimum of at least 1/6 (16.7%) contiguity, which would be 1,688.69 feet. Finally, Annexation #3 has 1,411.79 feet contiguous by being adjacent to East Highway 52 Annexation No. 2. The property's total boundary is 8,321.17 feet, 23% of which is contiguous with existing Town boundary, thereby surpassing the required minimum of at least 1/6 (16.7%) contiguity, which would be 1,386.86 feet.

Review Criteria:

The following are criteria against which the Planning Commission and Board of Trustees should consider the proposed annexations as required by the Town LUC:

Section 13.2 General Provisions

1. Annexation of lands to the Town shall be in accordance with this Code and the laws of the State in effect at the time of annexation and which may be amended from time to time, including but not limited to requests for zoning as provided for in Sections 3.2.4, 4.7.2, and 13.3 of the Land Use Code as well as the processes further described in Article 4 of this Code and other Sections as applicable.

Staff Comment: The East Highway 52 Annexations 1-3 are in accordance with the Town of Frederick Land Use Code and State Statutes. Zoning has been requested that follows the processes outlined in Section 4.7.2 and 13.3 and complies with the definitions identified in Section 3.2.4.

2. The Board of Trustees may consider annexation of any land that satisfies the eligibility requirements of the statutes of the State as follows:
 - a. The area proposed for annexation has not less than one-sixth of its perimeter contiguous with the municipal boundaries;

Staff Comment: The East Highway 52 Annexations 1-3 constitute a serial flagpole annexation. Each annexation uses at least one-sixth contiguity as established by State Statute.

- b. A community of interest exists between the area proposed for annexation and the Town; the area is urban or will be urbanized in the near future; and said area is integrated with or is capable of being integrated with the annexing municipality.

Staff Comment: The East Highway 52 Annexations 1-3 are not yet urbanized but may urban development adjacent to them in the near future. They are capable of being integrated with the annexing municipality and a community of interest exists between the property and the town.

- c. The proposed annexation furthers the intent of the Comprehensive Plan.

Staff Comment: The East Highway 52 Annexations 1-3 are fully within the Town's Comprehensive Plan, established April 20, 2006. The annexations will implement the Town's desire to have commercial development along the State Highway.

3. If the Board of Trustees determines to proceed with annexation of property, the Board shall make such determination by resolution which shall include the public hearing date.

Staff Comment: The Board of Trustees considered and passed resolution 14-R-56 at its meeting on December 11, 2014.

4. Except as otherwise provided, the full width of all public rights-of-way adjacent to a proposed annexation shall be included in the annexation.

Staff Comment: The East Highway 52 Annexations 1-3 include the full right-of-way for State Highway 52.

5. Application for inclusion into and exclusion from any applicable special district(s) shall be the responsibility of the applicant.
 - a. Applications for inclusion and exclusion must be submitted within 30 days of annexation.

Staff Comment: Only one exclusion/inclusion is required. An exclusion from the Fort Lupton Fire District will be processed and then an inclusion into the Frederick-Firestone Fire Protection District will follow.

- b. Contact the applicable special district for inclusion / exclusion requirements

Staff Comment: Inclusion and exclusion documents have been received.

- c. A draft of the inclusion / exclusion documents shall be submitted with the annexation application.

Staff Comment: Draft exclusion/inclusion documents are available.

Public Notice:

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

Two statements of opposition have been received. The City of Dacono is opposing the annexations because they believe the annexation does not meet the requirements of C.R.S. §31-12-104. The Fort Lupton Fire Protection District opposes the annexation because they do not want to lose territory from their District.

Planning Commission:

The Planning Commission considered this project on January 6, 2015. After questions pertaining to the project were asked of staff and answered, the annexations were unanimously recommended for approval with PCR-15-01A.

Legal/Political Considerations:

This is a pole only annexation. There is no “flag” attached to it. The annexation complies with the State Constitution and the Municipal Annexation Act. The Town has previously done “pole only” segments of serial annexation (Yardley Annexation) that were specifically approved by the Court in Town of Erie v Town of Frederick 07 CV 426.

Alternatives/Options: The Board may approve, deny, or conditionally approve the request to annex.

Financial Considerations: Not Applicable.

Staff Recommendation:

Staff recommends that the Board of Trustees adopt the attached resolution and ordinances approving these annexations and the assignment of zoning.



401 LOCUST STREET • P.O. BOX 435 • FREDERICK, CO 80530-0435

PHONE: (720) 382-5500 • FAX: (720) 382-5520

WWW.FREDERICKCO.GOV

MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
January 6, 2015
6:30 PM

ATTENDANCE: Chairman Don Hard, Commissioners Tracy Moe and Andy Calmeyn were present. Also present were Planning Director Jennifer Simmons and Town Attorney Rick Samson.

ROLL CALL: Chairman Hard called the regular meeting to order at 6:30 PM. Roll call was taken; absent were Commissioner Jill McNally and Alternate Commissioner Alan Blair.

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

APPROVAL OF MINUTES FROM THE DECEMBER 2, 2014 MEETING: Commissioner Moe made a motion to approve the minutes from the December 2, 2014 meeting with one correction on page two. Commissioner Calmeyn seconded the motion. All in favor, motion carried.

CONSIDERATION OF EAST HIGHWAY 52 ANNEXATIONS 1 – 3 AND ZONING: Planner Simmons presented the Staff Report by stating that this is a request for the Town to annex a total of approximately 42.418 acres in three annexations of right-of-way.

An application for annexation of three segments of State Highway 52 right-of-way has been submitted. This area is east of the Town boundary, approximately 1.4 miles in length. The requested zoning for the annexations is Mixed Use Highway 52.

The annexations meet the contiguity requirements established by State Statute. The western boundary of Annexation #1 has 956.99 feet contiguous by being adjacent to the existing Town boundary annexed with the Johnson Farm/Spindle Hill Energy Annexation No. 1. The property's total boundary is 5,736.94 feet, 16.7% of which is contiguous with existing Town boundary, thereby meeting the required minimum of at least 1/6 (16.7%) contiguity, which would be 956.16 feet.

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The review criteria against which the Planning Commission and Board of Trustees should consider the proposed annexations as required by the Town Land Use Code have been met.

Built on What Matters.

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

The Town Attorney has reviewed the annexations.

Staff recommends that the Planning Commission approve PCR-2015-01A, recommending that the Board of Trustees approve the East Highway 52 Annexations 1 – 3 and zoning.

Commissioner Moe asked why the Planning Commission is re-visiting this for a third time.

Planner Simmons said that this third time is to insure that all Statutes and timing requirements are met.

Chairman Hard asked why Dacono believes that the annexation does not meet the State Statute requirements.

Town Attorney, Rick Samson, said that Dacono is not aware of the Revised State Statute that allows this to be done.

Commissioner Moe made a motion to recommend approval of PCR-2015-01A, "A Resolution of the Planning Commission Recommending Approval of the East Highway 52 Annexations 1 – 3 and Assignment of Zoning". Commissioner Calmeyn seconded the motion. All in favor, motion carried.

REQUEST TO CONSIDER ADOPTION OF THE COMPREHANSIVE PLAN MAP AS THE 3-MILE PLAN:

Planner Simmons presented the Staff Report stating that the Town of Frederick originally adopted the Town of Frederick Comprehensive Plan Map on April 20, 2006 and it functioned as the Town's 3-mile plan until its formal designation with Resolution 08-R-017 March 13, 2008. Since then, resolutions have been adopted annually to continue the designation of the Comprehensive Plan Map as the 3-Mile Plan. This resolution would extend the designation for another year,

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Chairman Hard closed the regular meeting of the Planning Commission and opened the Public Hearing.

Scott Jeffries addressed the Commission with issues regarding the annexation of Highway 52. Chairman Hard told him that the Public Hearing was for the Comprehensive Plan, not Highway 52.

Jim Bushnell then addressed the Commission by stating that he is not in favor of urban growth. He boards horses and has a therapeutic riding center. He doesn't understand why the Town is interested in developing land that is agricultural.

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Chairman Hard closed the Public Hearing and re opened the regular meeting of the Planning Commission.

Commissioner Calmeyn made a motion to recommend approval of PCR-2015-02A, "A Resolution of the Planning Commission Approving the Designation of the Town of Frederick Comprehensive Plan Map as the Town's 3-Mile Plan". Commissioner Moe seconded the motion. All in favor, motion carried.

OTHER BUSINESS: Planner Simmons said that there are no meeting scheduled, however Planning has a number of applications and she will let the commission know when the next meeting will be.


With no further business, the meeting was adjourned at 7:04 PM.

Don Hard, Planning Commission Chairman

Kathy Larson, Secretary

Highway 52 East Annexation Vicinity Map

 Frederick Town Boundary Existing

 East Highway 52 Annexations 1-3



0 155 310 620 930 Feet

Town of Frederick, Planning Department
401 Locust Street, Frederick, CO 80530



Wheatland Blvd/CR 17

HWY 52

CR 19

EAST HIGHWAY 52 ANNEXATION NO. 1, 2 & 3

TO THE TOWN OF FREDERICK

Situate In The East Half Of Section 5, and Section 4, Township 1 North,
Range 67 West Of The 6th P.M., County Of Weld, State Of Colorado

ANNEXATION NO. 1 TABLE

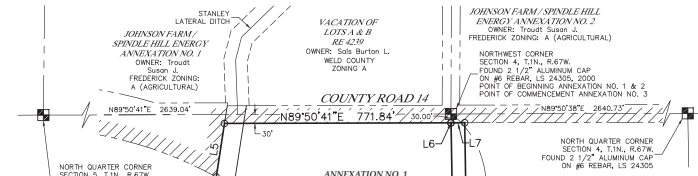
TOTAL BOUNDARY: 5736.94 L.F.
CONTIGUOUS BOUNDARY: 1956.99 L.F.
1/6 OF TOTAL BOUNDARY: 1956.16 L.F.
RATIO: 1/5.895

ANNEXATION NO. 2 TABLE

TOTAL BOUNDARY: 10132.12 L.F.
CONTIGUOUS BOUNDARY: 2960.00 L.F.
1/6 OF TOTAL BOUNDARY: 1688.69 L.F.
RATIO: 1/4.292

ANNEXATION NO. 3 TABLE

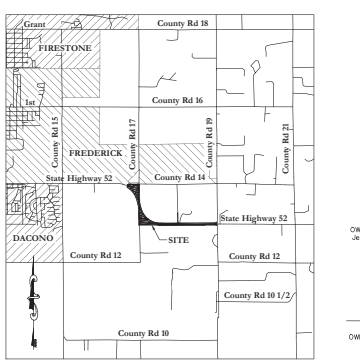
TOTAL BOUNDARY: 8321.17 L.F.
CONTIGUOUS BOUNDARY: 1411.79 L.F.
1/6 OF TOTAL BOUNDARY: 1386.86 L.F.
RATIO: 1/5.894



LINE	BEARING	LENGTH
L1	S89°04'43\"	30.90'
L2	N00°50'38\"	54.57'
L3	N13°35'25\"	266.40'
L4	N16°31'27\"	389.20'
L5	N08°45'41\"	184.75'
L6	N89°50'38\"	0.40'
L7	N89°50'38\"	46.50'
L8	S14°05'05\"	195.37'
L9	S16°15'03\"	389.20'
L10	S87°42'59\"	389.20'
L11	N00°50'37\"	428.51'
L12	N44°29'28\"	70.50'
L13	N89°39'58\"	14.78'
L14	S01°23'37\"	126.00'
L15	S00°45'13\"	110.00'
L16	N45°37'04\"	71.04'
L17	N82°02'58\"	143.71'
L18	N00°50'56\"	40.00'

LEGEND

- SECTION LINE
- RIGHT-OF-WAY
- BOUNDARY LINE
- DENOTED CONTIGUOUS BOUNDARY
- FOUND ALGOUT CORNER (AS DESCRIBED)
- CALCULATED POSITION



Know all men by these presents that being the Owner(s), Mortgagee or Lender of certain lands in Frederick, Colorado, described as shown herein, together with all subject to all easements and (right-of-way existing and/or of public record, do hereby amend the official zoning map of the Town of Frederick, Weld County, Colorado as depicted herein, subject to approval by the Board of Trustees of the Town of Frederick.

OWNER(S):
By: _____ At: _____
NOTARIAL CERTIFICATE
STATE OF _____
COUNTY OF _____
The foregoing instrument was acknowledged before me by _____
this _____ day of _____, 20____.
My commission expires _____
(SEAL) Notary Public

SURVEYOR'S STATEMENT
I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this map of land proposed to be annexed to the Town of Frederick, Weld County, State of Colorado was prepared under my direct supervision from existing documents of record, and that the same is true and correct to the best of my knowledge, information and belief.
I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Frederick, County of Weld, State of Colorado.

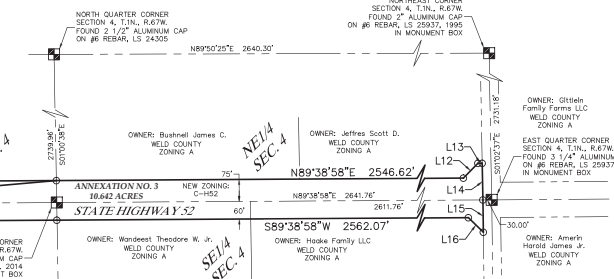
PRELIMINARY
Steven A. Lund - On Behalf of King Surveyors
Colorado Registered Professional
Land Surveyor #34995

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION
Assuming the East line of the Northeast Quarter of said Section 4, T.1N., R.67W., as bearing South 02°50'13\"

NOTE
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein. (13-01-105 C.R.S., 2012)

TITLE COMMITMENT NOTE
All the request of our client, recorded rights-of-way and easements were not researched and recorded and apparent rights-of-way and easements are not shown herein. (38-01-106 C.R.S., 1994)

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	126.00'	607.00'	115°33'38\"	125.77'	N02°28'48\"
C2	940.28'	1357.50'	39°41'11\"	921.60'	N41°22'45\"
C3	1439.69'	1357.50'	60°45'53\"	1373.16'	S51°50'41\"



PROPERTY DESCRIPTION: EAST HIGHWAY 52 ANNEXATION NO. 1
A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 5 and assuming the East line of the Northeast Quarter of said Section 5 as bearing South 02°50'13\"

THENCE South 02°50'13\"

THENCE North 02°50'13\"

PROPERTY DESCRIPTION: EAST HIGHWAY 52 ANNEXATION NO. 2
A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5) and a portion of the West Half of Section Four (4), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 4 and assuming the West line of the Northeast Quarter of said Section 4 as bearing South 02°50'13\"

THENCE South 02°50'13\"

THENCE North 02°50'13\"

PROPERTY DESCRIPTION: EAST HIGHWAY 52 ANNEXATION NO. 3
A parcel of land being a portion of Section Four (4), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 4 and assuming the West line of the Northeast Quarter of said Section 4 as bearing South 02°50'13\"

THENCE South 02°50'13\"

THENCE North 02°50'13\"

THENCE South 02°50'13\"

THENCE North 02°50'13\"

THENCE South 02°50'13\"

THENCE North 02°50'13\"

DATE: 9/17/2014
FILE NAME: 2014569ANX
SCALE: 1\"=200'
DRAWN BY: S.A.L.
CHECKED BY: C.S.K.
PROJECT # 2014569
SHEET 1 OF 1

KING SURVEYORS
550 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821

RESOLUTION NO. 15-R-3

A RESOLUTION REGARDING EAST HIGHWAY 52 ANNEXATION NOS. 1, 2 AND 3 PUBLIC HEARING, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE ANNEXATIONS.

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, held a public hearing on Thursday, December 11, 2014, pursuant to the published notice, on the petition of Tony Carey, Mayor, on behalf of the Town of Frederick, for the annexations of the following real property, to wit:

A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, as more precisely described in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Frederick, Weld County, Colorado, that:

Section 1. Findings of Fact.

- a. A petition for the serial annexation of a portion of East Highway 52, dated September 17, 2014, was received by the Frederick Town Clerk on September 17, 2014, and promptly referred to the Board of Trustees.
- b. The Board of Trustees at a Regular Meeting of the Board on Tuesday, November 11, 2014, considered and adopted Resolution No. 14-R-41, finding substantial compliance with C.R.S. 31-12-104, and with C.R.S. 31-12-105, and initiating annexation proceedings for certain properties in Weld County, State of Colorado to the Town of Frederick, said annexations to be known as the East Highway 52 Annexation Nos. 1, 2 and 3 and setting the public hearings before the Town of Frederick Planning Commission and the Town Board of Trustees.
- c. Notice of the public hearing to consider the annexation of the East Highway 52 Annexation Nos. 1, 2 and 3, was published in the Longmont Times-Call for four consecutive weeks on December 16, 23, and 30 of 2014, and January 26, 2015, with the first publication more than 30 days before the date of the public hearing, as required C.R.S. 31-12-108.
- d. In compliance with Frederick Land Use Code Section 4.5.7a., the applicant posted signs on the property to be annexed, stating "Public Hearing, Proposed Development, East Highway 52 Annexations 1-3, Frederick Planning." The property was posted on October 15, 2014.
- e. In compliance with C.R.S. 31-12-105 (1) (e.3), notice of the proposed annexation and the landowner's right to petition for annexation pursuant to C.R.S. 31-12-107, was given to the owners of property abutting the flagpole used in this annexation to obtain contiguity with the Town on September 19, 2014.
- f. Copies of the annexation petition, annexation maps and other supplemental annexation

material submitted by the applicant were mailed to Weld County, the special districts and the Town's utility service providers on October 1, 2014, requesting their review and comments on the proposed annexation.

- g. As required by C.R.S. 31-12-108, notice of the public hearing to consider the annexation was mailed to the Weld County Commissioners, the special districts and utility service providers on December 16, 2014, more than 25 days before the date of the public hearing.
- h. As required by C.R.S. 31-12-108.5, the Annexation Impact Report, was mailed to the Weld County Commissioners, the Weld County Attorney, and the Weld County Planning Department December 16, 2014.
- i. Notice of the public hearing to consider the annexation was mailed to the owners of property within 1,000 feet of the boundary of the subject property on December 12, 2014, more than 15 days before the date of the public hearing as required by Frederick Land Use Code Section 4.5.6.e.
- j. The public hearing before the Board of Trustees was held at the time and place specified in the notice and all those in attendance desiring to give testimony on the matter before the Board of Trustees were given that opportunity.
- k. During the public hearing, the Board of Trustees received and considered the recommendations made by the Frederick Planning Commission following their public meeting on the proposed annexation on Tuesday, January 6, 2015, and the comments and recommendations from the Town staff and questions from the Trustees.
- l. Upon testimony received during the public hearing, it is evident that the applicants' petition is in substantial compliance with C.R.S. 31-12-107 (1). It contains the required allegations, the dated signatures of more than 50% of the landowners of the property requested to be annexed exclusive of streets and alleys, the required affidavit of circulation, the required legal description of the area to be annexed, and the required annexation boundary map. This finding was made and duly adopted by the Frederick Board of Trustees in Resolution No. 14-R-56, the "Resolution Finding Substantial Compliance and Initiating Annexation Proceedings" adopted by the Board of Trustees on Tuesday, December 11, 2014.
- m. Upon testimony received during the public hearing, the Board of Trustees makes the following findings of fact with respect to compliance with C.R.S. 31-12-104:
 - i. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.
 - ii. A community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the required 1/6th contiguity with the annexing municipality shall be a basis for a finding of compliance with these requirements.

- iii. Because the petition was signed by 100% of the owners of the property to be annexed excluding public streets and alleys for the standard contained in C.R.S. 31-12-104 (1) (b) (I) does not invoke the exception contained in C.R.S. 31-12-104 (1) (b).
 - iv. Because the petition was signed by 100% of the owners of the property to be annexed excluding public streets and alleys the standard contained in C.R.S. 31-12-104 (1) (b) (II) does not invoke the exception contained in C.R.S. 31-12-104 (1) (b).
 - v. Because municipal utilities to the area proposed to be annexed which the Town provides in common to all of its citizens on the same terms and conditions as such services are made available to such citizens are not requested, and the Town has the ability to provide all other municipal services to the area to be annexed on the same terms and conditions as such services are made available to all of its citizens, the standard contained in C.R.S. 31-12-104 (1) (b) (III) does not invoke the exception contained in C.R.S. 31-12-104 (1) (b).
- n. Upon testimony received during the public hearing, the Board of Trustees makes the following findings of fact with respect to compliance with C.R.S. 31-12-105:
 - i. No land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowners thereof.
 - ii. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation) is included in the proposed annexation without the written consent of the landowners.
 - iii. No land is proposed to be annexed for which annexation proceedings were commenced prior to September 17, 2014, for the annexation of part or all of such territory to another municipality.
 - iv. The proposed annexation will not result in the detachment of the area from any school district and the attachment of the same to another school district.
 - v. The proposed annexation will not have the effect of extending a municipality boundary more than three miles in any direction from any point of such municipal boundary in any one year.
 - vi. The proposed annexation is in conformance with the “Three Mile Annexation Plan” duly adopted by the Board of Trustees of the Town of Frederick on February 11, 2014.
 - vii. The proposed annexation will not result in the annexation of a portion of a platted street without the annexation of the entire width of the street.

- viii. The municipality will not deny reasonable access to landowners, an owner of an easement, or the owner of a franchise adjoining a platted street or alley which has been annexed by the municipality but is not bounded on both sides by the municipality.

Section 2. Conclusions and Order Annexing the East Highway 52 Annexations Nos. 1, 2, and 3.

- a. The proposed East Highway 52 Annexation Nos. 1, 2 and 3 to the Town of Frederick, Weld County, Colorado, complies with the applicable sections of the Municipal Annexation Act of 1965.
- b. The most appropriate zoning (land use) for the property shall be Mixed Use Highway 52 Commercial.
- c. The Town of Frederick shall be authorized to take all action necessary or appropriate to effectuate the annexation of the subject property.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 27TH DAY OF JANUARY, 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor

EXHIBIT A
East Highway 52 Annexations 1-3

Legal Description:

Annexation #1:

A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 5 and assuming the East line of the Northeast Quarter of said Section 5 as bearing South 00°55'13" East a distance of 2748.82 feet with all other bearings contained herein relative thereto:

THENCE South 00°55'13" East along the East line of the Northeast Quarter of said Section 5 a distance of 30.00 feet to the South line of the Johnson Farms/Spindle Hill Energy Annexation No. 1 recorded August 02, 2006 as Reception No. 3408518 of the Records of Weld County and to the **POINT OF BEGINNING**;

THENCE South 00°55'13" East continuing along the East line of the Northeast Quarter of said Section 5 a distance of 2330.00 feet;

THENCE South 89°04'47" West a distance of 30.90 feet to the Westerly Right of Way line of Colorado State Highway 52;

The following Six (6) courses are along the Westerly Right of Way lines of Colorado State Highway 52:

THENCE North 00°55'13" West a distance of 54.57 feet to the beginning point of a curve non-tangent to this course;

THENCE along the arc of a curve concave to the Northeast a distance of 126.00 feet, said curve has a Radius of 607.00 feet, a Delta of 11°53'36" and is subtended by a Chord bearing North 05°28'48" West a distance of 125.77 feet to the end point of said curve;

THENCE North 00°55'13" West a distance of 642.60 feet;

THENCE North 13°53'25" West a distance of 266.40 feet;

THENCE North 16°31'27" West a distance of 389.20 feet to the beginning point of a curve, non-tangent to this course;

THENCE along the arc of a curve concave to the Southwest a distance of 940.28 feet, said curve has a Radius of 1357.50 feet, a Delta of 39°41'11" and is subtended by a Chord bearing North 41°22'45" West a distance of 921.60 feet to a Southerly line of said Johnson Farms/Spindle Hill Energy Annexation No. 1;

The next Three (3) courses are along the Southerly lines of said Johnson Farms/Spindle Hill Energy Annexation No. 1;

THENCE North 08°48'41" East a distance of 184.75 feet;

THENCE North 89°50'41" East a distance of 771.84 feet;

THENCE North 89°50'38" East a distance of 0.40 feet to the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the East Highway 52 Annexation #1 is 12.668 acres, more or less (±).

Annexation #2:

A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5) and a portion of the West Half of Section Four (4), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northwest Corner of said Section 4 and assuming the West line of the Northwest Quarter of said Section 4 as bearing South 00°55'13" East a distance of 2748.82 feet with all other bearings contained herein relative thereto:

THENCE South 00°55'13" East along the West line of the Northwest Quarter of said Section 4 a distance of 30.00 feet to the South line of the Johnson Farms/Spindle Hill Energy Annexation No. 1 recorded August 02, 2006 as Reception No. 3408518 of the Records of Weld County and to the **POINT OF BEGINNING**;

THENCE North 89°50'38" East a distance of 46.50 feet to the Easterly Right of Way line of Colorado State Highway 52;

The following Six (6) courses are along the Easterly and Northerly Right of Way lines of Colorado State Highway 52:

THENCE South 00°55'13" East a distance of 1209.39 feet;

THENCE South 14°05'05" East a distance of 195.37 feet;

THENCE South 16°15'03" East a distance of 389.20 feet to the beginning point of a curve non-tangent to this course;

THENCE along the arc of a curve concave to the Northeast a distance of 1439.69 feet, said curve has a Radius of 1357.50 feet, a Delta of 60°45'53" and is subtended by a Chord bearing South 51°59'14" East a distance of 1373.16 feet to the end point of said curve;

THENCE South 87°42'59" East along a line non-tangent to the aforesaid course a distance of 389.20 feet;

THENCE North 89°39'02" East a distance of 994.10 feet to the East line of the Northwest Quarter of said Section 4;

THENCE South 84°58'42" West a distance of 1411.79 feet to an angle point on the Southerly Right of Way line of Colorado State Highway 52;

THENCE South 89°39'02" West along said Southerly Right of Way line a distance of 1267.47 feet to the Westerly Right of Way line of Colorado State Highway 52;

THENCE North 00°55'13" West along said Westerly Right of Way line a distance of 428.51 feet;

THENCE North 89°04'47" East a distance of 30.90 feet to the West line of the Northwest Quarter of said Section 4;

THENCE North 00°55'13" West along the West line of the Northwest Quarter of said Section 4 a distance of 2330.00 feet to the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the East Highway 52 Annexation #2 is 19.108 acres, more or less (±).

Annexation #3:

A parcel of land being a portion of Section Four (4), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northwest Corner of said Section 4 and assuming the West line of the Northwest Quarter of said Section 4 as bearing South 00°55'13" East a distance of 2748.82 feet with all other bearings contained herein relative thereto:

THENCE South 00°55'13" East along the West line of the Northwest Quarter of said Section 4 a distance of 2748.82 feet to the South line of the Northwest Quarter of said Section 4;

THENCE North 89°39'02" East along the South line of the Northwest Quarter of said Section 4 a distance of 1236.97 feet;

THENCE South 00°20'58" West a distance of 40.00 feet to the **POINT OF BEGINNING** on the Southerly Right of Way line of Colorado State Highway 52;

THENCE North 84°58'52" East a distance of 1411.79 feet to the intersection of the East line of the Northwest Quarter of said Section 4 with the Northerly Right of Way line Colorado State Highway 52;

The next Three (3) courses are along the Northerly Right of Way lines of Colorado State Highway 52:

THENCE North 89°38'58" East a distance of 2546.62 feet;

THENCE North 44°29'26" East a distance of 70.50 feet;

THENCE North 89°38'58" East a distance of 14.78 feet to a line parallel with and 30 feet Westerly of the East line of the Northeast Quarter of said Section 4;

THENCE South 01°02'37" East along said Parallel line a distance of 125.00 feet to the South line of the Northeast Quarter of said Section 4;

THENCE South 00°45'13" East along a line parallel with and 30 feet Westerly of the East line of the Southeast Quarter of said Section 4 a distance of 110.00 feet to the Southerly Right of Way line of Colorado State Highway 52;

The next Four (4) courses are along the Southerly Right of Way lines of Colorado State Highway 52:

THENCE North 45°37'04" West a distance of 71.04 feet;

THENCE South 89°38'58" West a distance of 2562.07 feet;

THENCE South 89°39'02" West a distance of 1265.66 feet;

THENCE North 82°20'58" West a distance of 143.71 feet to the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the East Highway 52 Annexation #2 is 10.642 acres, more or less (±).

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1188

AN ORDINANCE ANNEXING A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado: to be known as the East Highway 52 Annexation No. 1 to the Town of Frederick, Colorado.

WHEREAS, a petition for Annexation has been filed by Tony Carey, Mayor, on behalf of the Town of Frederick, 401 Locust Street, Frederick, CO 80530, for the annexation to the Town of the following described real property, to wit:

A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, as more precisely described in Exhibit A.

WHEREAS, the above described property consists of road right-of-way being annexed as part of a serial annexation as authorized by C.R.S. 31-12-104 (1)(a); and

WHEREAS, a public hearing was held on said Petition pursuant to statute on Thursday, January 27, 2015; and

WHEREAS, the Board of Trustees by Resolution No. 14-R-56, determined that the applicable parts of C.R.S. 31-12-104 and C.R.S. 31-12-105 have been met; and

WHEREAS, it has been determined by the Board of Trustees that it is desirable and necessary that the described real property be annexed to the Town of Frederick, Colorado; and

WHEREAS, a land use for the property was requested in the petition for annexation as allowed by C.R.S. 31-12-115, said land use to be Mixed Use Highway 52 Commercial to become effective following final adoption of this annexation ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Frederick, Weld County, Colorado, that:

Section 1. Annexation of Property. The above described property is hereby annexed and included within the town limits of the Town of Frederick.

Section 2. Land Use of the Property. The land use of the property shall be Mixed Use Highway 52 Commercial as requested in the petition for annexation. Said land use shall be accomplished by separate ordinance, the effective date of which shall be not sooner than the effective date of this annexation ordinance.

Section 3. Ministerial Action. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required for annexation of said property to the Town including, filing the required certified copies of the annexation ordinance and a map of the area to be annexed containing a legal description of such area with the Weld County Clerk and Recorder.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Validity. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 6. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 27th DAY OF JANUARY, 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor

EXHIBIT A

PROPERTY DESCRIPTION **EAST HIGHWAY 52 ANNEXATION #1 TO FREDERICK**

A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 5 and assuming the East line of the Northeast Quarter of said Section 5 as bearing South 00°55'13" East a distance of 2748.82 feet with all other bearings contained herein relative thereto:

THENCE South 00°55'13" East along the East line of the Northeast Quarter of said Section 5 a distance of 30.00 feet to the South line of the Johnson Farms/Spindle Hill Energy Annexation No. 1 recorded August 02, 2006 as Reception No. 3408518 of the Records of Weld County and to the **POINT OF BEGINNING**;

THENCE South 00°55'13" East continuing along the East line of the Northeast Quarter of said Section 5 a distance of 2330.00 feet;

THENCE South 89°04'47" West a distance of 30.90 feet to the Westerly Right of Way line of Colorado State Highway 52;

The following Six (6) courses are along the Westerly Right of Way lines of Colorado State Highway 52:

THENCE North 00°55'13" West a distance of 54.57 feet to the beginning point of a curve non-tangent to this course;

THENCE along the arc of a curve concave to the Northeast a distance of 126.00 feet, said curve has a Radius of 607.00 feet, a Delta of 11°53'36" and is subtended by a Chord bearing North 05°28'48" West a distance of 125.77 feet to the end point of said curve;

THENCE North 00°55'13" West a distance of 642.60 feet;

THENCE North 13°53'25" West a distance of 266.40 feet;

THENCE North 16°31'27" West a distance of 389.20 feet to the beginning point of a curve, non-tangent to this course;

THENCE along the arc of a curve concave to the Southwest a distance of 940.28 feet, said curve has a Radius of 1357.50 feet, a Delta of 39°41'11" and is subtended by a Chord bearing North 41°22'45" West a distance of 921.60 feet to a Southerly line of said Johnson Farms/Spindle Hill Energy Annexation No. 1;

The next Three (3) courses are along the Southerly lines of said Johnson Farms/Spindle Hill Energy Annexation No. 1;

THENCE North 08°48'41" East a distance of 184.75 feet;

THENCE North 89°50'41" East a distance of 771.84 feet;

THENCE North 89°50'38" East a distance of 0.40 feet to the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the East Highway 52 Annexation #1 is 12.668 acres, more or less (±).

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1189

AN ORDINANCE ANNEXING A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado: to be known as the East Highway 52 Annexation No. 2 to the Town of Frederick, Colorado.

WHEREAS, a petition for Annexation has been filed by Tony Carey, Mayor, on behalf of the Town of Frederick, 401 Locust Street, Frederick, CO 80530, for the annexation to the Town of the following described real property, to wit:

A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, as more precisely described in Exhibit A.

WHEREAS, the above described property consists of road right-of-way being annexed as part of a serial annexation as authorized by C.R.S. 31-12-104 (1)(a); and

WHEREAS, a public hearing was held on said Petition pursuant to statute on Thursday, January 27, 2015; and

WHEREAS, the Board of Trustees by Resolution No. 14-R-56, determined that the applicable parts of C.R.S. 31-12-104 and C.R.S. 31-12-105 have been met; and

WHEREAS, it has been determined by the Board of Trustees that it is desirable and necessary that the described real property be annexed to the Town of Frederick, Colorado; and

WHEREAS, a land use for the property was requested in the petition for annexation as allowed by C.R.S. 31-12-115, said land use to be Mixed Use Highway 52 Commercial to become effective following final adoption of this annexation ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Frederick, Weld County, Colorado, that:

Section 1. Annexation of Property. The above described property is hereby annexed and included within the town limits of the Town of Frederick.

Section 2. Land Use of the Property. The land use of the property shall be Mixed Use Highway 52 Commercial as requested in the petition for annexation. Said land use shall be accomplished by separate ordinance, the effective date of which shall be not sooner than the effective date of this annexation ordinance.

Section 3. Ministerial Action. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required for annexation of said property to the Town including, filing the required certified copies of the annexation ordinance and a map of the area to be annexed containing a legal description of such area with the Weld County Clerk and Recorder.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Validity. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 6. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 27th DAY OF JANUARY, 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor

EXHIBIT A

PROPERTY DESCRIPTION **EAST HIGHWAY 52 ANNEXATION #2 TO FREDERICK**

A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5) and a portion of the West Half of Section Four (4), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northwest Corner of said Section 4 and assuming the West line of the Northwest Quarter of said Section 4 as bearing South 00°55'13" East a distance of 2748.82 feet with all other bearings contained herein relative thereto:

THENCE South 00°55'13" East along the West line of the Northwest Quarter of said Section 4 a distance of 30.00 feet to the South line of the Johnson Farms/Spindle Hill Energy Annexation No. 1 recorded August 02, 2006 as Reception No. 3408518 of the Records of Weld County and to the **POINT OF BEGINNING**;

THENCE North 89°50'38" East a distance of 46.50 feet to the Easterly Right of Way line of Colorado State Highway 52;

The following Six (6) courses are along the Easterly and Northerly Right of Way lines of Colorado State Highway 52:

THENCE South 00°55'13" East a distance of 1209.39 feet;

THENCE South 14°05'05" East a distance of 195.37 feet;

THENCE South 16°15'03" East a distance of 389.20 feet to the beginning point of a curve non-tangent to this course;

THENCE along the arc of a curve concave to the Northeast a distance of 1439.69 feet, said curve has a Radius of 1357.50 feet, a Delta of 60°45'53" and is subtended by a Chord bearing South 51°59'14" East a distance of 1373.16 feet to the end point of said curve;

THENCE South 87°42'59" East along a line non-tangent to the aforesaid course a distance of 389.20 feet;

THENCE North 89°39'02" East a distance of 994.10 feet to the East line of the Northwest Quarter of said Section 4;

THENCE South 84°58'42" West a distance of 1411.79 feet to an angle point on the Southerly Right of Way line of Colorado State Highway 52;

THENCE South 89°39'02" West along said Southerly Right of Way line a distance of 1267.47 feet to the Westerly Right of Way line of Colorado State Highway 52;

THENCE North 00°55'13" West along said Westerly Right of Way line a distance of 428.51 feet;

THENCE North 89°04'47" East a distance of 30.90 feet to the West line of the Northwest Quarter of said Section 4;

THENCE North 00°55'13" West along the West line of the Northwest Quarter of said Section 4 a distance of 2330.00 feet to the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the East Highway 52 Annexation #2 is 19.108 acres, more or less (±).

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1190

AN ORDINANCE ANNEXING A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado: to be known as the East Highway 52 Annexation No. 3 to the Town of Frederick, Colorado.

WHEREAS, a petition for Annexation has been filed by Tony Carey, Mayor, on behalf of the Town of Frederick, 401 Locust Street, Frederick, CO 80530, for the annexation to the Town of the following described real property, to wit:

A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, as more precisely described in Exhibit A.

WHEREAS, the above described property consists of road right-of-way being annexed as part of a serial annexation as authorized by C.R.S. 31-12-104 (1)(a); and

WHEREAS, a public hearing was held on said Petition pursuant to statute on Thursday, January 27, 2015; and

WHEREAS, the Board of Trustees by Resolution No. 14-R-56, determined that the applicable parts of C.R.S. 31-12-104 and C.R.S. 31-12-105 have been met; and

WHEREAS, it has been determined by the Board of Trustees that it is desirable and necessary that the described real property be annexed to the Town of Frederick, Colorado; and

WHEREAS, a land use for the property was requested in the petition for annexation as allowed by C.R.S. 31-12-115, said land use to be Mixed Use Highway 52 Commercial to become effective following final adoption of this annexation ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Frederick, Weld County, Colorado, that:

Section 1. Annexation of Property. The above described property is hereby annexed and included within the town limits of the Town of Frederick.

Section 2. Land Use of the Property. The land use of the property shall be Mixed Use Highway 52 Commercial as requested in the petition for annexation. Said land use shall be accomplished by separate ordinance, the effective date of which shall be not sooner than the effective date of this annexation ordinance.

Section 3. Ministerial Action. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required for annexation of said property to the Town including, filing the required certified copies of the annexation ordinance and a map of the area to be annexed containing a legal description of such area with the Weld County Clerk and Recorder.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Validity. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 6. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 27th DAY OF JANUARY, 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor

EXHIBIT A

PROPERTY DESCRIPTION **EAST HIGHWAY 52 ANNEXATION #3 TO FREDERICK**

A parcel of land being a portion of Section Four (4), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northwest Corner of said Section 4 and assuming the West line of the Northwest Quarter of said Section 4 as bearing South 00°55'13" East a distance of 2748.82 feet with all other bearings contained herein relative thereto:

THENCE South 00°55'13" East along the West line of the Northwest Quarter of said Section 4 a distance of 2748.82 feet to the South line of the Northwest Quarter of said Section 4;

THENCE North 89°39'02" East along the South line of the Northwest Quarter of said Section 4 a distance of 1236.97 feet;

THENCE South 00°20'58" West a distance of 40.00 feet to the **POINT OF BEGINNING** on the Southerly Right of Way line of Colorado State Highway 52;

THENCE North 84°58'52" East a distance of 1411.79 feet to the intersection of the East line of the Northwest Quarter of said Section 4 with the Northerly Right of Way line Colorado State Highway 52;

The next Three (3) courses are along the Northerly Right of Way lines of Colorado State Highway 52:

THENCE North 89°38'58" East a distance of 2546.62 feet;

THENCE North 44°29'26" East a distance of 70.50 feet;

THENCE North 89°38'58" East a distance of 14.78 feet to a line parallel with and 30 feet Westerly of the East line of the Northeast Quarter of said Section 4;

THENCE South 01°02'37" East along said Parallel line a distance of 125.00 feet to the South line of the Northeast Quarter of said Section 4;

THENCE South 00°45'13" East along a line parallel with and 30 feet Westerly of the East line of the Southeast Quarter of said Section 4 a distance of 110.00 feet to the Southerly Right of Way line of Colorado State Highway 52;

The next Four (4) courses are along the Southerly Right of Way lines of Colorado State Highway 52:

THENCE North 45°37'04" West a distance of 71.04 feet;

THENCE South 89°38'58" West a distance of 2562.07 feet;

THENCE South 89°39'02" West a distance of 1265.66 feet;

THENCE North 82°20'58" West a distance of 143.71 feet to the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the East Highway 52 Annexation #2 is 10.642 acres, more or less (±).

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1191**

**AN ORDINANCE ESTABLISHING THE ZONING OF THE EAST HIGHWAY 52
ANNEXATIONS NO. 1, NO. 2, AND NO. 3 TO “MIXED USE HIGHWAY 52
COMMERCIAL.”**

WHEREAS, requests for zoning has been filed by Tony Carey, Mayor, on behalf of the Town of Frederick, 401 Locust Street, Frederick, CO 80530 for the designation of the permitted land use of the following described real property simultaneously with the annexation of the property to the Town, to wit:

A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, as more precisely described in Exhibit A.

WHEREAS, the zoning (designation of land use) of land while annexation is under way is authorized by C.R.S. § 31-12-115; and

WHEREAS, a public hearing was held on said request in combination with the requested annexation of the property on Tuesday, January 27, 2015; and

WHEREAS, it has been determined by the Board of Trustees that it is desirable and necessary that the designated zoning for the described real property be “Mixed Use Highway 52 Commercial” in accordance with the petition for annexation and the Land Use Code of the Town of Frederick, Colorado;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Frederick, Weld County, Colorado, that;

Section 1. The zoning for the above described property is hereby designated “Mixed Use Highway 52 Commercial.” All activities conducted on the site shall be in conformance with the Land Use Code for the Town of Frederick as though the same were set forth in full.

Section 2. The official *Town of Frederick Zoning District Map* as adopted by Article 3, Section 3.2 of the *Frederick Land Use Code*, and as subsequently amended, shall be amended by the designation of the above described property as “Mixed Use Highway 52 Commercial,” as depicted on the zoning map attached hereto as Exhibit B.

Section 3. Ministerial Action. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required to cause an appropriate revision of the official *Town of Frederick Zoning District Map* to be prepared and placed in the official records of the Town.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Validity. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance

including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 6. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 27th DAY OF JANUARY, 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor

EXHIBIT A
East Highway 52 Annexation

Legal Description:

Annexation #1:

A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 5 and assuming the East line of the Northeast Quarter of said Section 5 as bearing South 00°55'13" East a distance of 2748.82 feet with all other bearings contained herein relative thereto:

THENCE South 00°55'13" East along the East line of the Northeast Quarter of said Section 5 a distance of 30.00 feet to the South line of the Johnson Farms/Spindle Hill Energy Annexation No. 1 recorded August 02, 2006 as Reception No. 3408518 of the Records of Weld County and to the **POINT OF BEGINNING**;

THENCE South 00°55'13" East continuing along the East line of the Northeast Quarter of said Section 5 a distance of 2330.00 feet;

THENCE South 89°04'47" West a distance of 30.90 feet to the Westerly Right of Way line of Colorado State Highway 52;

The following Six (6) courses are along the Westerly Right of Way lines of Colorado State Highway 52:

THENCE North 00°55'13" West a distance of 54.57 feet to the beginning point of a curve non-tangent to this course;

THENCE along the arc of a curve concave to the Northeast a distance of 126.00 feet, said curve has a Radius of 607.00 feet, a Delta of 11°53'36" and is subtended by a Chord bearing North 05°28'48" West a distance of 125.77 feet to the end point of said curve;

THENCE North 00°55'13" West a distance of 642.60 feet;

THENCE North 13°53'25" West a distance of 266.40 feet;

THENCE North 16°31'27" West a distance of 389.20 feet to the beginning point of a curve, non-tangent to this course;

THENCE along the arc of a curve concave to the Southwest a distance of 940.28 feet, said curve has a Radius of 1357.50 feet, a Delta of 39°41'11" and is subtended by a Chord bearing North 41°22'45" West a distance of 921.60 feet to a Southerly line of said Johnson Farms/Spindle Hill Energy Annexation No. 1;

The next Three (3) courses are along the Southerly lines of said Johnson Farms/Spindle Hill Energy Annexation No. 1;

THENCE North 08°48'41" East a distance of 184.75 feet;

THENCE North 89°50'41" East a distance of 771.84 feet;

THENCE North 89°50'38" East a distance of 0.40 feet to the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the East Highway 52 Annexation #1 is 12.668 acres, more or less (±).

Annexation #2:

A parcel of land being a portion of the East Half of the Northeast Quarter of Section Five (5) and a portion of the West Half of Section Four (4), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northwest Corner of said Section 4 and assuming the West line of the Northwest Quarter of said Section 4 as bearing South 00°55'13" East a distance of 2748.82 feet with all other bearings contained herein relative thereto:

THENCE South 00°55'13" East along the West line of the Northwest Quarter of said Section 4 a distance of 30.00 feet to the South line of the Johnson Farms/Spindle Hill Energy Annexation No. 1 recorded August 02, 2006 as Reception No. 3408518 of the Records of Weld County and to the **POINT OF BEGINNING**;

THENCE North 89°50'38" East a distance of 46.50 feet to the Easterly Right of Way line of Colorado State Highway 52;

The following Six (6) courses are along the Easterly and Northerly Right of Way lines of Colorado State Highway 52:

THENCE South 00°55'13" East a distance of 1209.39 feet;

THENCE South 14°05'05" East a distance of 195.37 feet;

THENCE South 16°15'03" East a distance of 389.20 feet to the beginning point of a curve non-tangent to this course;

THENCE along the arc of a curve concave to the Northeast a distance of 1439.69 feet, said curve has a Radius of 1357.50 feet, a Delta of 60°45'53" and is subtended by a Chord bearing South 51°59'14" East a distance of 1373.16 feet to the end point of said curve;

THENCE South 87°42'59" East along a line non-tangent to the aforesaid course a distance of 389.20 feet;

THENCE North 89°39'02" East a distance of 994.10 feet to the East line of the Northwest Quarter of said Section 4;

THENCE South 84°58'42" West a distance of 1411.79 feet to an angle point on the Southerly Right of Way line of Colorado State Highway 52;

THENCE South 89°39'02" West along said Southerly Right of Way line a distance of 1267.47 feet to the Westerly Right of Way line of Colorado State Highway 52;

THENCE North 00°55'13" West along said Westerly Right of Way line a distance of 428.51 feet;

THENCE North 89°04'47" East a distance of 30.90 feet to the West line of the Northwest Quarter of said Section 4;

THENCE North 00°55'13" West along the West line of the Northwest Quarter of said Section 4 a distance of 2330.00 feet to the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the East Highway 52 Annexation #2 is 19.108 acres, more or less (±).

Annexation #3:

A parcel of land being a portion of Section Four (4), Township One North (T.1N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northwest Corner of said Section 4 and assuming the West line of the Northwest Quarter of said Section 4 as bearing South 00°55'13" East a distance of 2748.82 feet with all other bearings contained herein relative thereto:

THENCE South 00°55'13" East along the West line of the Northwest Quarter of said Section 4 a distance of 2748.82 feet to the South line of the Northwest Quarter of said Section 4;

THENCE North 89°39'02" East along the South line of the Northwest Quarter of said Section 4 a distance of 1236.97 feet;

THENCE South 00°20'58" West a distance of 40.00 feet to the **POINT OF BEGINNING** on the Southerly Right of Way line of Colorado State Highway 52;

THENCE North 84°58'52" East a distance of 1411.79 feet to the intersection of the East line of the Northwest Quarter of said Section 4 with the Northerly Right of Way line Colorado State Highway 52;

The next Three (3) courses are along the Northerly Right of Way lines of Colorado State Highway 52:

THENCE North 89°38'58" East a distance of 2546.62 feet;

THENCE North 44°29'26" East a distance of 70.50 feet;

THENCE North 89°38'58" East a distance of 14.78 feet to a line parallel with and 30 feet Westerly of the East line of the Northeast Quarter of said Section 4;

THENCE South 01°02'37" East along said Parallel line a distance of 125.00 feet to the South line of the Northeast Quarter of said Section 4;

THENCE South 00°45'13" East along a line parallel with and 30 feet Westerly of the East line of the Southeast Quarter of said Section 4 a distance of 110.00 feet to the Southerly Right of Way line of Colorado State Highway 52;

The next Four (4) courses are along the Southerly Right of Way lines of Colorado State Highway 52:

THENCE North 45°37'04" West a distance of 71.04 feet;

THENCE South 89°38'58" West a distance of 2562.07 feet;

THENCE South 89°39'02" West a distance of 1265.66 feet;

THENCE North 82°20'58" West a distance of 143.71 feet to the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the East Highway 52 Annexation #2 is 10.642 acres, more or less (\pm).



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

Consideration of a Request to Amend Ordinance 927 Conditions of Approval

Agenda Date: January 27, 2015

Attachments:

- a. Email request from Jeff Mark dated September 10, 2014
- b. Ordinance 927
- c. Minutes from October 25, 2007 Board of Trustees meeting


Finance Review:

Finance Director

Submitted by:

Jennifer Simmons
Planning Director

Approved for Presentation:



Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

Summary Statement:

The property owner, Mr. Jeff Mark of Lorson South Land Corporation, has requested that the Board of Trustees consider removing a condition of approval from Ordinance 927 (see attached e-mail from Mr. Mark).

Detail of Issue/Request:

Ordinance 927, attached, was considered at the October 25, 2007 Board of Trustees meeting and approved the final plat of Johnson Farms Amendment 3 with conditions. The applicant and property owner at that time, Mr. Paul McHugh, requested that Outlot L of the original Johnson Farms Subdivision be replatted to create 12 new lots for single family homes. During the public hearing at the Board of Trustees meeting, two neighborhood residents spoke of their concern about the need for these new lots and restriction of their views with new homes on these potential lots. The minutes from the meeting (see attached) reflect the Board of Trustees' action, adding a condition that development of the

Built on What Matters.

twelve lots be last in phasing and last in construction. While the replat was approved by the Board of Trustees, Mr. McHugh didn't finish the process to record the plat.

Since then, Outlot L has been purchased by Lorson South Land Corporation, represented by Mr. Jeff Mark. Mr. Mark is completing the platting process and developing the twelve lots within Outlot L. Mr. Mark has requested that Condition 6 of Ordinance 927 be removed from his list of conditions of approval. Condition 6 reads as follows: "The development of the lots created on Outlot L shall occur last in phasing and last in construction."

Legal/Political Considerations:

The Board can certainly reconsider the conditions imposed by Ordinance 927; however, since the condition was imposed as a result of comments made during a noticed public hearing, the Board should consider holding another public hearing on this issue before making a decision.

Alternatives/Options:

The Board of Trustees may choose whether or not to approve the request.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff does not recommend approval of this request.

Jennifer Simmons

From: Jeff Mark <JMark@landhuisco.com>
Sent: Wednesday, September 10, 2014 12:36 PM
To: Jennifer Simmons
Cc: Mohammed Said; Richard L. Leffler; Robyn Burson
Subject: RE: Johnson Farm Outlot L, Amendment 3

I see no logic in that whatsoever since it will be built upon anyway. What do I need to do to get in front of the board to ask for a variance?

Jeff Mark
Director
The Landhuis Company
212 N. Wahsatch Ave., Suite 301
Colorado Springs, CO 80903
Office: (719) 635-3200
Cell: (303) 210-7747
Fax: (719) 635-3244
jmark@landhuisco.com

From: Jennifer Simmons [<mailto:JSimmons@frederickco.gov>]
Sent: Wednesday, September 10, 2014 11:19 AM
To: Jeff Mark
Cc: Mohammed Said; Richard L. Leffler
Subject: RE: Johnson Farm Outlot L, Amendment 3

When the original replat was being heard by the Board of Trustees, the adjacent neighbors complained about the replat. They, the adjacent neighbors had purchased the lots, some paid premiums, because they had no neighbors. Mr. McHugh offered the option of building last as a way to gain support and the Board of Trustees, included it as a condition of approval.

Jenn

From: Jeff Mark [<mailto:JMark@landhuisco.com>]
Sent: Wednesday, September 10, 2014 11:11 AM
To: Jennifer Simmons
Cc: Mohammed Said; Richard L. Leffler
Subject: RE: Johnson Farm Outlot L, Amendment 3

What's the rationale?

Jeff Mark
Director
The Landhuis Company
212 N. Wahsatch Ave., Suite 301
Colorado Springs, CO 80903
Office: (719) 635-3200
Cell: (303) 210-7747
Fax: (719) 635-3244
jmark@landhuisco.com

From: Jennifer Simmons [<mailto:JSimmons@frederickco.gov>]
Sent: Wednesday, September 10, 2014 11:08 AM
To: Jeff Mark
Cc: Mohammed Said; Richard L. Leffler
Subject: RE: Johnson Farm Outlot L, Amendment 3

Jeff,

Condition #6 in Ordinance 927 identifies that restriction.

Jenn

From: Jeff Mark [<mailto:JMark@landhuisco.com>]
Sent: Wednesday, September 10, 2014 10:27 AM
To: Jennifer Simmons
Cc: Mohammed Said; Richard L. Leffler
Subject: RE: Johnson Farm Outlot L, Amendment 3

Why can't permits be issued? I wasn't aware of that.

Jeff Mark
Director
The Landhuis Company
212 N. Wahsatch Ave., Suite 301
Colorado Springs, CO 80903
Office: (719) 635-3200
Cell: (303) 210-7747
Fax: (719) 635-3244
jmark@landhuisco.com

From: Jennifer Simmons [<mailto:JSimmons@frederickco.gov>]
Sent: Wednesday, September 10, 2014 9:12 AM
To: Jeff Mark
Cc: Mohammed Said; Richard L. Leffler
Subject: Johnson Farm Outlot L, Amendment 3

Hello Jeff –

I understand you're trying to finalize the plat for Amendment 3. Here's what I believe to be outstanding items:

- Final plat docs – I'll need 2 sets of stamped/signed mylars. Before printing mylars, please provide a current (within 60 days) title commitment and an electronic version of the plat docs to me for final review.
- Address plat – Each plat now requires an address plat to be recorded with the final plat. Instructions on creating an address plat can be found online at <http://www.frederickco.gov/index.aspx?nid=431>. You're consultant can also call me for additional information if needed.
- As required by the conditions of approval, these lots will not receive building permits until all other permits in the neighborhood have been issued.
- An updated MOAPI is required. Please coordinate with Mohammed on this item.

If you have questions, let Mohammed or I know.

Thanks,

Jenn

Jennifer Simmons | AICP | Planning Director
Town of Frederick | 720-382-5651
jsimmons@frederickco.gov | www.frederickco.gov



Click [here](#) to see what matters to us!

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**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 927**

**AN ORDINANCE APPROVING THE FINAL PLAT OF JOHNSON
FARMS AMENDMENT 3.**

WHEREAS, The Farm, LLC, c/o Paul McHugh, PO Box 520, Mead CO, 80524, has submitted a Final Plat of those certain lands within the Town of Frederick, Colorado, to be known as Johnson Farms Amendment 3, under the authority provided by *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*; and

WHEREAS, the Board of Trustees of the Town of Frederick has found the Final Plat to be complete and that good and sufficient reason has been shown to be present to justify the platting of the property; and

WHEREAS, the Board of Trustees has determined by Resolution No. 07R__, duly adopted and approved on the 25th day of October, 2007, that the proposed Final Plat for Johnson Farms Amendment 3 is compatible with the adjacent land uses, that it conforms with the requirements and standards established in *Article 4, Subdivision Regulations*, and the applicable provision pertaining to waivers of the *Frederick Land Use Code*, and that it preserves the health, safety, welfare and interests of the citizens of the Town of Frederick, Colorado. The property is more particularly described below:

Johnson Farms Amendment 3, A replat of Outlot L Block 15, Lots 12 and 19 Block 16, and Lots 10, 11, and 12 Block 1 Johnson Farms Subdivision. A part of the southwest quarter of section 13, Township 2 north, range 68 west of the Sixth Principal Meridian, Town of Frederick, County of Weld, State of Colorado.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Frederick, Colorado, that:

Section 1. That the property owned by The Farm, LLC, and identified as Johnson Farms Amendment 3 and described above, is now granted Final Plat approval in accordance with the provisions of *Chapter 17, Subdivisions*, of the *Frederick Municipal Code*.

Section 2. The property is platted in accordance with the final plat and the final development plan and the dedications thereon and other documentation pertaining to the plat of said property presented by the Developer and approved by the Frederick Planning Commission and the Frederick Board of Trustees, and the same are incorporated by reference thereto in this Ordinance. The plat shall not affect the Developer's commitments made in the Annexation Agreement and the Memorandum of Agreement for Public Improvements, except as specifically amended herein.

Section 3. The following are conditions for approval of the Johnson Farms Amendment 3:

1. Outlots O, P, and Q (formerly known as Lots 19 and 12 Block 16, and lots 10, 11, and 12 Block 1, Johnson Farm) shall be deeded to the Town and restricted to open space at time of recordation of the final plat.
2. Outlots O, P, and Q shall be maintained by the HOA. This shall be noted on the replat documents.
3. Outlots O, P, and Q shall be landscaped with live ground cover, trees and irrigation plus each of these pocket parks shall contain one of the following: playground equipment, contemplative garden or other active or passive recreational opportunity for the neighborhood, as approved by the Planning Department and installed by the developer prior to final acceptance of the development. Detailed landscape plans shall be provided by the applicant for review and approval by the Town Engineering and Planning Departments prior to recordation of the final plat and must comply with the provisions of the Land Use Code.
4. The approved landscaping improvements for the open space / pocket parks tracts shall be incorporated into the MOAPI.
 - a. Landscaping for Outlots P and Q, as approved by Planning Staff, shall be installed within one year of recordation of this replat and authorization of the MOAPI. Outlot O, as approved by Planning Staff, shall be installed prior to acceptance of Phase 5. In any instance all of the pocket parks shall be installed prior to final acceptance of Phase 5.
5. Prior to recordation of the final plat, updated covenants shall be provided to the Town for review and approval. This shall include the lots created by this replat as well the lots converted from residential to open space.
6. The development of the lots created on Outlot L shall occur last in phasing and last in construction.

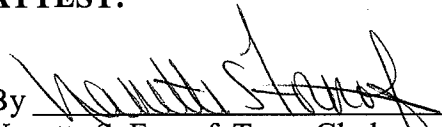
Section 4. Effective Date. This ordinance shall become effective thirty (30) days after publication.

Section 5. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

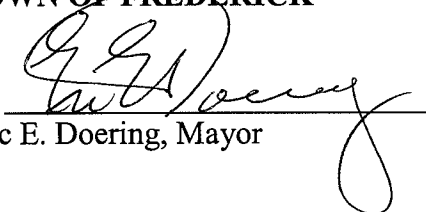
Section 6. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED
PUBLISHED THIS 25th DAY OF OCTOBER 2007.**

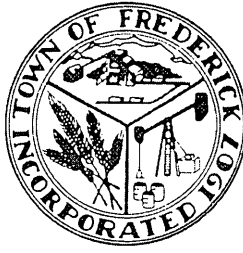
ATTEST:

By 
Nanette S. Fornof, Town Clerk

TOWN OF FREDERICK

By 
Eric E. Doering, Mayor





TOWN OF FREDERICK
TOWN BOARD
AGENDA
THURSDAY, OCTOBER 25, 2007
REGULAR MEETING
7:00P.M.
FREDERICK TOWN HALL
401 LOCUST STREET

Call to Order – Roll Call

Pledge of Allegiance

Additions to the Agenda

Public Comment - This portion of the Agenda is provided to allow members of the audience to provide comments to the Town Board on items that are not being considered on the current Agenda. Please sign in and the Mayor will call you. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to five (5) minutes – Mayor Doering. Public Hearings require public input and will be included under the Public Hearing part of the Agenda.

Frederick Firestone Fire Protection District's Quarterly Report – Ted Poszywak

Correspondence

Consent Agenda – Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

- a. Approval of List of Warrants for October 25, 2007 - Marcia Lierman
- b. AM 2007-189, To Consider Approval of the Town of Frederick Fee Schedule – Nanette Fornof
- c. AM 2007-187, To Consider a Work Order with United Power to Install Street Lights Along Colorado Boulevard South of Tipple Parkway (First Street) – Dick Leffler
- d. AM 2007-186, To Consider Resolution 07R0XX Adopting the National Incident Management System as the Incident Management System for the Town of Frederick – Rick Samson
- e. AM 2007-188, To Consider Cancellation of the November 22, 2007, Board of Trustee Meeting – Nanette Fornof
- f. Approval of September 6, 2007, Special Meeting Minutes, September 27, 2007 and October 11, 2007, Regular Meeting Minutes – Nanette Fornof

Staff Reports

- g. Administrative Report –Derek Todd
- h. Town Attorney's Report – Rick Samson

Public Hearing

- i. AM 2007-185, To Consider Amendments to Articles 1, 3 and 4 of the Frederick Land Use Code – Jennifer Simmons
- j. AM 2007-193, To Consider Repealing and Replacing Article 13 Annexation of the Land Use Code – Jennifer Simmons
- k. AM 2007-184, To Consider Johnson Farm Amendment 3 and Waiver- A Replat of Outlot L, Lots 12 and 19, Block 16, and Lots 10, 11, 12 Block 1 – Jennifer Simmons

Discussion Agenda

- l. IM 2007-038, Discussion of the Quarterly Unbuilt Dwelling Report – Jennifer Simmons

Action Agenda

- m. AM 2007-191, To Consider Resolution 07R0xx, Supporting the Dissolution of Tri-Area Sanitation District – Rick Samson
- n. AM 2007-190, To Consider Ordinance XXX, Amending Chapter 8, Adding Article VIII, Emergency Snow Routes and Providing a Penalty – Chief Gary Barbour

Mayor/Trustee Report

- o. Mayor's Report – Mayor Doering

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
October 25, 2007
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Sue Wedel, Trustees Jim Wollack, Joe Johnson, Tony Carey, Mike Schiers and Liberta Hattel were present. Also present were Town Administrator Derek Todd, Town Attorney's Rick Samson and Erin Clifford, Town Clerk Nanette Fornof, Town Planning Director Jennifer Simmons, Staff Town Engineer Myles Throop, Police Chief Gary Barbour and Assistant to Town Administrator Jordan Eichem. The press and audience were also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:00p.m. Roll call was taken; all Trustees present.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

PUBLIC COMMENT

Frederick Firestone Fire Protection District's Quarterly Report Tim Zimmermann, Field Supervisor from the Frederick/Firestone Protection District supplied the Board with a written and verbal quarterly report.

CORRESPONDENCE Mayor Doering requested the Board read over the correspondence items provided to them. The items provided were the Community Assessment schedule, calendar and Board of Trustees Progress Report.

CONSENT AGENDA Motion by Trustee Wollack to approve the Consent Agenda with the following items; Approval of List of Warrants for October 25, 2007, AM 2007-189, Approval of the Town of Frederick Fee Schedule by Resolution 07R070 A RESOLUTION APPROVING THE TOWN OF FREDERICK FEE SCHEDULE, AM 2007-187, To Consider a Work Order with United Power to Install Street Lights Along Colorado Boulevard South of Tipple Parkway (First Street), AM 2007-188, To Consider Cancellation of the November 22, 2007, Board of Trustee Meeting and Approval of the September 6, 2007, Special Meeting Minutes, September 27, 2007 and October 11, 2007, Regular Meeting Minutes. Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

AM 2007-186, To Consider Resolution 07RXXX, Adopting the National Incident Management System as the Incident Management System for the Town of Frederick Motion by Trustee Johnson to direct staff to set this item as a discussion at a Work Session, Trustee Schiers seconded the motion, motion failed

with Trustees Johnson and Schiers voting "for" the motion and Mayor Pro Tem Wedel and Trustees Wollack, Hattel and Carey voting "against" the motion.

Trustee Wollack made a motion to approve Resolution 07R071, A RESOLUTION APPROVING ADOPTION OF THE DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR INCIDENT MANAGEMENT FOR THE TOWN OF FREDERICK, Trustee Carey seconded the motion and motion carried with Trustees Schiers and Johnson voting "against" the motion.

STAFF REPORTS

Administrative Report was provided by Town Administrator Derek Todd. The report consisted of the following items; A Centennial update, hot air balloons launching from Centennial Park, and an update on the Board's work sessions. The Administrative Services Department is working on completing the Community Newsletter, information about the proposed Frederick Recreation Area, the Frederick Elementary Third Grade tours, installation of new trees at Bella Rosa Golf Course and other projects staff is working on.

The Engineering Department provided the Board with an update on the progress of Weld County Road 13/Colorado Boulevard and the status of Tri-Area Sanitation District dissolution. The Police Department is continuing to work on the Neighborhood Watch Program, an Interjurisdictional relation between the City of Fort Lupton and Dacono, Santa Cops Program and a shift in responsibilities from Weld County to the Town of Frederick regarding the collection of Non Sufficient Fund checks.

The Planning Department provided information to the Town Board about the Community Assessment project and an update on development applications being submitted to the Planning Department.

The Town Clerk updated the Board on the final touches to the Centennial mural wall and the CML Photo Contest and from the Finance and Human Resources Department the recruiting efforts for the Public Works Department and the annual budget preparation.

Town Attorney Report Town Attorney Rick Samson provided the Board with the Attorney Status Report and asked the Board if there were any questions or comments. Samson also stated the Livesay litigation was dismissed, a second appraisal for Wyndham Hill detention pond is being requested and there has been communication with Weld County in regard to the fireworks stand being set up next to a residential area.

PUBLIC HEARING

Am 2007-185, To Consider Amendments to Articles 1, 3 and 4 of the Frederick Land Use Code The proposed amendments would amend Article 4 to clarify processes and put all processes into one article of the Frederick Land Use Code. Article

3 would be amended to remove all processes from each individual section of the Land Use Code and then Appendix A, which will have all processes to the Land Use Code, will be added to the Code; this is to better define the items required for submittal and plan requirements of all applications. This change would provide an easy reference for staff and the applicant to administer the Code without having duplicate information in the description of each application. In Section 1.16, definitions were also amended per the request of the Planning Commission. Mayor Doering opened the public hearing at 7:58p.m. A Frederick resident spoke in support of the proposed amendments and found the Frederick Land Use Code to be very helpful. The resident also requested the Board to consider the accessory building size as part of the amendments. Too large of an accessory building can overpower the neighborhood. There being no further comments or questions Mayor Doering closed the public hearing at 8:01p.m. The Board had a lengthy discussion regarding all Articles and Appendix A, finally Trustee Johnson made a motion to postpone this item of discussion until the December 13, 2007, Board meeting; Mayor Pro Tem Wedel seconded the motion. Trustee Wollack made a motion to amend the motion to postpone the adoption of these resolutions and ordinances to November 8, 2007, Mayor Pro Tem Wedel seconded the motion; motion carried with Trustee Carey voting "nay" to the motion. Mayor Doering then requested the vote for the original motion with the amendment. Motion carried with Trustee Carey voting "nay" to the motion.

AM 2007-193, To Consider Repealing and Replacing Article 13 Annexation of the Land Use Code The amendment to Article 13 simplifies the article by reorganizing various aspects of the Annexation requirement, removes redundancies, references applicable State Statutes and updates the annexation regulations to match current policies, requirements and contemporary planning principles. Since the discussion regarding the amendments to the previous mentioned articles was postponed and is intertwined with this article, staff is requesting this agenda item also be postponed. Motion by Trustee Carey to postpone the adoption of this proposed ordinance till November 8, 2007, Trustee Hattel seconded the motion and motion carried unanimously.

A five minute recess was implemented at 8:45p.m. The meeting resumed at 8:50p.m., Mayor Doering indicated the public hearing was not opened during the previous agenda item. Mayor Doering opened the public hearing at 8:52p.m. There being no questions or comments, Mayor Doering closed the public hearing at 8:52p.m. Mayor Doering then asked for a motion to reconsider the previous motion. Motion by Trustee Carey to reconsider the motion to postpone the adoption of Ordinance #xxx, Repealing and Replacing Article 13, the motion was seconded by Mayor Pro Tem Wedel. Motion carried with Trustee Schiers voting "nay" to the motion. Motion by Mayor Pro Tem Wedel to postpone the above mentioned agenda item to November 8, 2007, the motion was seconded by Trustee Wollack, motion carried unanimously.

AM 2007-184, To Consider Johnson Farm Amendment 3 and Waiver a Replat of Outlot L, Lots 12 and 19, Block 16 and Lots 10, 11, 12 of Block 1 The applicant requested approval to replat Outlot L, Johnson Farm Subdivision into 12 residential lots. Outlot L consists of 2.93 acres of land reserved for oil and gas extraction. The developer

and mineral interest owners have agreed on an alternative drilling location which allows for the development of this Outlot for residential purposes. The applicant has also proposed to designate five undeveloped residential lots as open space within the existing development. These lots consist of Lot 12, Block 16 (11,277 sq. ft.), Lot 19, Block 16 (10,887 sq. ft.), and lots 10, 11, and 12, Block 1 (combined 0.58 acres) for a total of 1.07 acres of new open space.

The HOA will be required to maintain all of the Pocket Parks in accordance with Town Policy. The *Land Use Code* requires that pocket parks consist of a minimum of one acre in size. Since the proposed pocket parks are smaller than the minimum required size, the applicant has also requested approval of a waiver to this requirement. With the exception of the size of the proposed pocket parks, the request for a replat meets with the applicable requirements for approval. The original well site was not part of the calculation for open space in the original development, as it was reserved only for oil and gas production and the available amount of open space within the development meets with the Town's requirements.

The applicant was present, Paul McHugh. McHugh informed the Board about how the original plan for the pocket parks was approved by Steve Pauken (previous Town Administrator) and how he (McHugh) was promised a thousand dollars would be refunded to him from each building permit. McHugh also stated that he knew he needed to comply with Town regulations.

Mayor Doering opened the public hearing at 9:00p.m. Two residents of the Farm Subdivision voiced their concern about how the subdivision is partially vacant due to foreclosures and the housing market. The residents stated they would like the developer to consider delaying the development of this area to a later date. There was discussion regarding the value of their homes going down as the proposed development would restrict the views from their homes. If the developer is going to continue to develop this subdivision, the concerned residents requested Outlot L be the last phase developed. There being no further comments or questions Mayor Doering closed the public hearing at 9:17p.m.

Motion by Trustee Wollack to approve Resolution 07R072, A RESOLUTION REGARDING THE REVIEW OF THE FINAL PLAT OF JOHNSON FARMS AMENDMENT 3 AND A WAIVER REQUEST REGARDING SIZE REQUIREMENTS FOR POCKET PARKS AND ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE FINAL PLAT AND THE WAIVER REQUEST, with the condition the development of the lots created on Outlot L shall occur last in phasing and last in construction, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously. Motion by Mayor Pro Tem Wedel to adopt Ordinance #927, AN ORDINANCE APPROVING THE FINAL PLAT OF JOHNSON FARMS AMENDMENT 3, with the condition the development of the lots created on Outlot L shall occur last in phasing and last in construction, motion was then seconded by Trustee Wollack, motion carried unanimously.

DISCUSSION AGENDA

IM 2007-038, Quarterly Unbuilt Dwelling Report The Unbuilt Dwelling Report has an additional category "Dwelling Units by Type". This category keeps track of information regarding the number of residential units per subdivision within the Town of Frederick.

ACTION AGENDA

AM 2007-191, To Consider Resolution 07R0xx, Supporting the Dissolution of Tri-Area Sanitation District Mayor Doering removed himself from the meeting, due to his position with St. Vrain Sanitation District. Motion by Trustee Wollack to approve Resolution 07R073, **A RESOLUTION SUPPORTING THE NOVEMBER 2007 BALLOT QUESTIONS FOR DISSOLUTION OF THE TRI-AREA SANITATION DISTRICT AND INCLUSION OF THE PROPERTY IN THE TRI-AREA DISTRICT INTO THE ST. VRAIN SANITATION DISTRICT**, Trustee Hattel seconded the motion and motion carried with Trustee Johnson voting "against" the motion.

AM 2007-190, To Consider Ordinance XXX, Amending Chapter 8, Adding Article VIII, Emergency Snow Routes and Providing a Penalty Some streets and roads in the town are too narrow to provide for parked vehicles along both sides and allow the passage of snow plows and fire trucks. This proposed ordinance provides for the declaration and posting of snow routes. It provides that vehicles may not be parked on snow routes during snow falls beyond a specified depth. Further, it provides that vehicles parked on snow routes in violation may be towed at the owners' expense. Motion by Mayor Pro Tem Wedel, to adopt Ordinance #928, **AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING CHAPTER 8, ADDING ARTICLE VIII, EMERGENCY SNOW ROUTES AND PROVIDING A PENALTY, OF THE FREDERICK MUNICIPAL CODE**, with verbiage that vehicles will be towed and fines, Trustee Carey seconded the motion and motion carried unanimously.

MAYOR AND TRUSTEE REPORT

Trustee Schiers would like to have more voter turn out at the polls and is not really sure on how to do it.

Trustee Hattel had nothing to report.

Trustee Johnson had nothing to report.

Mayor Pro Tem Wedel would like staff to consider order of items on the agenda. Mayor Doering indicated that he would adjust the agenda at the time of the meeting if need be. Mayor Pro Tem Wedel requested staff to supply the Board with a list of salary increases for 2006, the list didn't need to be employee specific.

Trustee Wollack stated he would like staff to have NIMS as a work session topic. This would help everyone to understand their roles and responsibilities.

Trustee Carey indicated the progress at the Eagle's Building was wonderful and wonder if there was regulations on how many residents can live in a dwelling. Staff will research and respond to this request. Trustee Carey would also like to see a breakdown of Civil Resources current bill, staff will research and supply the information.

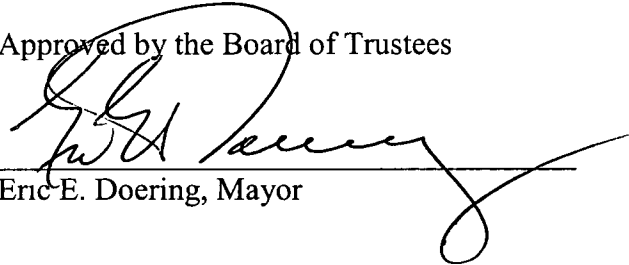
Mayor Doering discussed several items, they being; installation of another site marker along Weld County Road 13, an invite to the Tri-Town Senior Thanksgiving luncheon, attended a Energy sub committee meeting (future severance tax to Oil and Gas Companies) and the possibility of a cemetery being located in the Town of Frederick. Mayor Doering informed the Board that the City of Dacono's centennial celebration kick-off is January 23, 2008.

There being no further business, comments or questions, Mayor Doering closed the regular meeting at 10:32p.m.



Nanette Fornof, Town Clerk

Approved by the Board of Trustees



Eric E. Doering, Mayor



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

Discussion of Request for Assistance to Demolish the Structure at 206 5th Street

Agenda Date: Town Board Meeting - January 27, 2015

Attachments:

- a. Memo from Blackfox CMCG, LLC dated January 15, 2015
- b. Demolition Bid

Finance Review:

Finance Director

Submitted by:



Town Manager

Approved for Presentation:



1

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Summary Statement:

The Town has been requested to provide assistance for the demolition of the structure located at 206 5th Street. The building will be acquired more than likely by the end of the month by Blackfox CMCG, LLC.

Detail of Issue/Request:

Last week I was presented with a request from Mr. Jason Hepp who represents Blackfox CMCG, LLC, with information that is provided with this document his corporation plans to close on the property located at 206 5th Street tentatively at the end of this month. This has been a facility that the Town has been watching closely with the respect to the poor condition of the building in its dilapidated condition.

The building has sat vacant for at least three years and has been tagged in its current condition as unsafe to occupy. Blackfox CMCG, LLC moving forward to acquire this property is a very positive sign of not only great things to come for that property specifically, but also for the downtown as a whole as we

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continue to move forward on a primary Board initiative to revitalize the downtown. As I mentioned, this property is one that the Town has looked at with keen interest and even themselves at one time had discussed razing the structure. As part of this acquisition by Blackfox CMCG, LLC has requested financial assistance provided by the Town to demo the property. A quote is provided for the demolition and there are several options that you may want to consider and provide staff with direction if the Board wants to provide assistance in razing the structure. Those options are:

1. Provide for a friendly combination agreement where the Town would go in and demolish the building and subsequently costs could be recovered through an agreement directly with Blackfox, CMCG, LLC.
2. The property could be put into a Urban Renewal Authority Plan (URA) and the URA could then demolish the building and the improvements that are made in the future to that property would create an increment by which the Town's URA could recover their costs.

Legal/Political Considerations:

Alternatives/Options:

- The Board could provide direction to staff on one of the two options presented in the detailed description
- The Board could choose to do nothing at this time and not provide any assistance with the razing of this building.
- The Board could direct staff to explore other options for a partnership to see the structure is razed.

Financial Considerations:

The potential long-term improvements made to the property will cause a notable increase to both property tax and potentially other revenue source increases including but not limited to sales tax, water sales, electrical sales, etc.

Staff Recommendation:

The staff believes there is a positive outcome and impact that will result by razing this structure. Consequently the staff is recommending that some sort of assistance be provided in removal of this building. The most practical option appears to be inclusion into a URA Urban Renewal Authority plan.



January 15, 2015

Attn: Matt LeC^{er}f

Town of Frederick

401 Locust Street

Frederick, CO 80530

DEMOLITION REQUEST

Dear Matt:

Over the past year we have worked diligently to see if we could figure out how to overcome the many hurdles relating to gaining a viable opportunity to purchase 206 5th Street. As you know we are excited to continue to do our best to assist in the revitalization of Downtown Frederick. We are finally confident that we have earned the opportunity to purchase this property and will be able to satisfy the banking and title concerns that have made this process difficult. We are scheduled to close on January 30, 2015.

As you are also aware the condition of the building, as it exists in its current state, is both an aesthetic eyesore and a public hazard. We would like the Town and the Board of Trustees to consider funding the demolition of the building. This is important as it will give us and our bank the opportunity to more clearly justify the capital expenditure for the property, in addition to our belief that if we can solve this issue it will help us take another positive step towards the revitalization of our great Downtown.

We have attached a demolition quote from Alpine Demolition totaling \$34,150. There are also some additional services not included in the scope of work that will have to be considered as additional costs, however, we are confident that the total project costs should be somewhere around the \$40,000 range. Please help me understand how I can help to assist you with this request.

Sincerely,

Jason Hepp –Blackfox CMGC, LLC



January 13, 2015 (Revised for backfill and asbestos abatement)

BLACKFOX

Frederick, Colorado

ATTN: Mr. Patrick Hepp phepp1@gmail.com

**RE: 206 5th Street
Frederick, Colorado 80530**

Mr. Patrick Hepp,

Thank you for the opportunity to provide you pricing for the above mentioned project. Alpine Demolition Inc. is pleased to provide you a detailed proposal including our Statement of Qualifications (SOQ), previous project experience and Safety Documents.

SCOPE OF DEMOLITION WORK:

Demolition, transportation, recycling and disposal of an existing one and one half story commercial retail building of approximately 7,500 square feet including the basement and second floor area. The structure consists of wood with stucco and wood sided exterior walls.

The floors are wood frame and slab on grade construction and the foundation systems are concrete foundation walls with concrete spread footings. We have included the demolition, transportation, recycling and disposal of associated parking and drive areas and landscape areas included with in the overall site area of approximately 0.14 acres more or less.

Demolition and or abandonment of underground wet utilities within 5'-0" of building line. Site excavation within 5'-0" of building line. We have included in our proposal the following items:



- Remove and recycle ferrous and non-ferrous metals
- Remove and recycle wood frame structure
- Remove and recycle concrete floor slabs
- Remove and recycle wood exterior walls
- Remove and recycle concrete foundation walls and footings
- Remove and recycle landscape areas within the project boundaries
- All recycle materials and salvage items will become property of Alpine Demolition
- Cut and cap sanitary sewer line within 5'-0" of building line
- Cut and crimp water line within 5'-0" of building line
- Cut and cap storm sewer within 5'-0" of building line
- Grade building area clean with existing soils (note: building areas and foundation areas will be depressed due to the removal of the foundation systems) see add alternate for backfill
- Insurance
- One Mobilization/Demobilization
- Equipment Costs
- Labor
- Permits
- Trucking and Disposal

Excluded in Price:

- Traffic control
- Temporary site fencing during demolition
- Temporary sanitary facilities during demolition
- Recovery of CFC's from CFC containing equipment
- Removal of lamp, ballasts, exit signs, thermostats and other regulated building materials
- Excavation of site areas more than 5'-0" from building line
- Export of excavation spoils
- Import of fill material (see ADD ALTERNATE)
- Re-vegetation of disturbed land areas
- Relocation of trees or shrubs
- Disconnection of gas and electric utilities (Alpine can assist with coordinating utility companies for disconnection of those services)
- Removal and disposal of contaminated soils
- Abatement, removal and disposal of lead based paint materials (Alpine can provide these services under a separate contract if required)
- Offsite demolition
- Removal, testing transportation and disposal of asbestos containing materials, or other contaminated materials.(Alpine can provide these services under a separate contract if required)



- Demolition, transportation and disposal of Category I and Category II non-friable Asbestos Containing Materials (Alpine can provide pricing for the additional cost of handling and disposal of these materials)
- Disconnection of fire alarm system if required
- Disconnection of fire sprinkler system if required
- Storm water plan and maintenance documentation
- Storm water management plan/BMP's (to be provided and maintained by others)
- Vehicle tracking pads/silt fence (to be provided and maintained by others)
- Work in public right of way
- Removal of concrete curb and gutter, concrete sidewalks and drain pans in the public ROW
- Removal of utilities in the public ROW
- Cutting and capping of wet utilities at the city main line
- ROW occupancy permits for sidewalk and street closures
- Shoring and underpinning of adjacent buildings, streets, alleys, parking lots or sidewalks
- Removal of underground tanks

THE PRICE FOR THE ABOVE REFERENCED DEMOLITION WORK IS: \$ 22,500.00

ADD ALTERNATE #1: Backfill excavation (allowance)

Import, place and compact Owner provided common backfill material to fill in basement excavation. (Backfill material is located within 1 mile of demolition site)

Approximately 1,000 loose cubic yards of fill material required

1,000 cubic yards @ \$ 5.40 per cubic yard: \$ 5,400.00

ADD: \$ 5,400.00 (allowance)



ENVIRONMENTAL SERVICES

Asbestos Abatement

Alpine Demolition Inc. will conduct abatement and ACM disposal as required to complete an asbestos removal action from the above referenced project.

Scope of Work includes decontamination and disposal of asbestos containing materials identified by the survey provided for the above referenced property. Remove Southeast Bath plaster, 60 square feet, Southwest Bath ceramic tile, 200 square feet, Southeast Bath linoleum, 33 square feet.

Alpine Demolition Inc. will use wet methods of abatement, including the application of surfactant solution and removal work practices for friable asbestos containing materials. Asbestos Containing Waste Materials will be properly bagged and properly disposed of at the BFI/Republic Tower Road Landfill.

Scope of work includes all labor, materials, equipment, disposal OSHA compliance monitoring, final air clearances, EPA and State of Colorado Notifications.

Building Owner will provide electrical power and water during the abatement process.

THE PRICE FOR THE ABOVE ABATEMENT WORK IS: \$ 6,250.00

We thank you for the opportunity to provide you pricing, if we can assist you in any other way or if you need additional information please contact me directly. Thank you again and we look forward to working with you.

Thank you,

Raymond DeCroce

Raymond DeCroce, Architect
Alpine Demolition Inc.



TOWN OF FREDERICK

MEMORANDUM

TO: Mayor Carey & Board of Trustees

FROM: Rory T. Hale, Public Works Director

DATE: January 21, 2015

CC: Matt LeCerf, Town Manager

SUBJECT: Snow Operations

Attachment: 2014 – 2015 Snow Operation Expenses November 11, 2014 thru January 12, 2015

As a follow up to our discussion at the January 13, 2015 Board meeting I want to provide additional information regarding our previous snow operations and what will happen going forward.

Admittedly there's always room for improvement, but it's clear as a department we need to do much better from an operational standpoint to insure we're providing a reasonable level of service to our citizens and business community when it comes to our snow removal operations. This is a work in progress but with additional training and a new sense of direction we're moving forward to improve

It typically comes down to us doing the best we can with the resources we have available to us, however there is a legitimate need for addition staff and equipment if we are to provide a reasonable level of service. With the appropriate number of Public Works employees and equipment our goal, (reasonable level of service), should be to clear all of the roads in Town within 24 to 48 hours after a snow event depending on the severity of the event. In addition we need to do a better job of utilizing the materials we have available to combat snow and ice, Ice Slicer and APEX. The APEX needs to be used more often as a pre-treatment and then as a pre-wet treatment for the Ice Slicer which should cut down on the amount of Slicer material we need to apply on the roads. Up to this point we failed to do that, however going forward this has been corrected.

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Staffing Needs: Presently the Frederick Public Works Department is under staffed and not equipped to adequately maintain approximately 160 lane miles of Town roads to a reasonable level of service. We need to fill 2 vacant positions and 2 new positions this year plus add 5 additional staff members to meet the growing needs of the Town. Understanding that 5 additional employees was not budgeted for 2015 we need to consider adding these employees in 2016. With a full complement of employees we can better address snow removal operations by creating two rotating crews of 8 PW employees working 12 hour shifts. This should provide adequate coverage over a 24 hour time period and provide a reasonable level of service to our community.

Note: there's plenty of work to do other than snow removal operations and we'll more than be able to keep the additional staff busy throughout the year with other departmental operations.

Equipment Needs: Presently the Frederick Public Works Department does not have an adequate number of snow plow trucks to address the needs of the Town's snow removal operations. In order to provide a reasonable level of service we need four 3.5 ton or larger dump trucks with snow plows and spreaders, and four 1 ton trucks with plows and spreaders. Presently we have three dump trucks, but only two have spreaders and snow plows. The old GMC does not have a spreader and has become a maintenance headache. In addition we have two 1 ton trucks with plows and spreaders that are typically used for narrower streets and subdivisions.

As a comparison a similar sized community that I'm familiar with in Kansas has approximately the same lane miles to maintain with 8 trucks. This allows them clear the majority of city streets within 24 to 36 hours of the snow event. Once the emergency snow route and priority streets have been cleared they move on to clear the remainder of city streets and cul de sacs. With the appropriate number of staff and equipment Frederick PW can do the same.

Note: The trucks we're looking at are more versatile than a typical dump truck and would give us more operational options with a variety attachments for many other applications that we can utilize throughout the year.

I anticipate having cost estimates for your review by the first regular meeting in February.

Emergency Snow Route: At this point I believe it premature to add additional streets to the emergency snow route until we've had time to review what we have and make sure we're providing adequate coverage for the entire Town. In addition we need to make sure all snow route streets are appropriately posted which they are not.

In the mean time we can still add more streets to our routes until we officially amend the snow emergency snow route. Moving forward, our approach is to address the emergency snow routes and when time permits move into the residential roadways when the emergency routes are clear.

FREDERICK PUBLIC WORKS DEPARTMENT

2014 – 2015 Snow Operations

Date	Man-Hours	Labor Costs	Equipment Costs	Material Used	Material Costs	Administrative	Event Expenses
11/12/2014	18	\$423.00	\$5,637.00	9.72 tons	\$1,007.86		\$7,067.86
11/26/2014	33	\$775.00	\$10,334.93	15.88 tons	\$1,646.59		\$12,756.52
11/29/2014	8	\$188.00	\$2,492.00	1.08 tons	\$111.98		\$2,691.98
11/31/2014	18	\$423.00	\$5,577.00	6.32 tons	\$655.32		\$6,655.32
12/25/2014	27.5	\$646.25	\$8,608.75	13.26 tons	\$1,374.92		\$10,629.92
12/26/2014	12	\$282.00	\$3,738.00	5.86 tons	\$607.62		\$4,627.62
12/27/2014	8	\$188.00	\$2,461.50	2.05 tons	\$212.56		\$2,862.06
12/29/2014	14	\$329.00	\$4,351.00	8.78 tons	\$910.39		\$5,590.39
12/30/2014	32.5	\$763.75	\$10,201.25	11.34 tons	\$1,175.84		\$12,140.84
01/02/2015	16	\$376.00	\$4,944.00	3.08 tons	\$319.36		\$5,639.36
01/03/2015	28	\$658.00	\$8,702.00	12.42 tons	\$1,287.82		\$10,647.82
01/04/2015	12	\$282.00	\$3,738.00	4.05 tons	\$419.94		\$4,439.94
01/07/2015	4	\$94.00	\$1,266.00	2.15 tons	\$222.93		\$1,382.93
01/09/2015	29	\$681.50	\$9,028.50	11.98 tons	\$1,242.20		\$10,952.20
01/12/2015	20.5	\$481.75	\$6,363.25	9.18 tons	\$951.87		\$7,796.12
01/13/2015	16	\$376.00	\$4,944.00	5.51 tons	\$571.33		\$5,891.33
Totals	296.50	\$6,967.25	\$92,387.18	122.66 tons	\$12,618.53		\$111,772.21

Labor costs are based upon an average per hour cost of \$23.50 per employee.

Equipment costs are soft costs calculated using FEMA Schedule of Equipment Rates;

- 1 three ton dump truck with snow plow @\$78.50 per hour times 3 trucks
- 1 wheel loader with 3 cy bucket @\$60.00 per hour
- 1 one and a half ton truck with snow plow @\$35.50 per hour times 2 trucks

Note: the skid-steer, Kubota tractor, backhoe and RTV's were not included in the equipment costs but were used.

Material costs / Ice Slicer is calculated at \$103.69 per ton of material. Note: material quantities were estimated.



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

Discussion: Issuing New Debt as Part of the Refinancing of the Colorado Blvd. Bonds

Agenda Date: Town Board Meeting - January 27, 2015

Attachments: a. Options for Consideration

Finance Review:

Finance Director

Submitted by:


Town Manager

Approved for Presentation:


Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Detail of Issue/Request:

The Town is in the process of refinancing the exist debt issued with the Colorado Blvd. improvements in 2006. The Board requested that staff provide a brief overview of options that may be considered if the Board desired to issue new debt from the money that remains from the referendum passed in 2006.

The ballot question that was approved asked the following:

Shall the Town of Frederick debt be increased up to \$6,180,000, with a maximum repayment cost of up to \$11,500,000, without any increase in Town taxes, for the purpose of financing the costs of constructing and improving portions of Weld County Road 13 within and abutting the Town of Frederick, and ancillary costs and improvement related thereto.

There is \$1.07 million additional revenue that could be bonded for additional projects that meet the terms of the ballot language. Although these have not be reviewed by the bond attorney at this time, we believe these projects attached would qualify for funding based on the ballot language.

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Legal/Political Considerations:

Alternatives/Options:

- The Board could provide direction to staff on one of options presented in the spreadsheet.
- The Board could choose to do nothing at this time and leave the original ordinance in place which was adopted on January 13, 2015 to refinance the existing debt.

Financial Considerations:

Based on current interest rates, borrowing money at this time is a good financial decision for the right project.

Staff Recommendation:

If the Board were to choose any of the options, staff believes that building a road west of Colorado Blvd. to 5th Street would be the best choice given that it will have the most potential to continue growth in the community.

Additional Project Considerations

Option	Project Description	Estimated Cost	Notes/Comments
1	Gateway Project	\$ 600,000	Establish a gateway entrance to the community on Colorado Blvd. The project will also create location awareness. This project is ready for construction, but the focus has been more directed toward road repairs and other higher priorities.
2	The Town may consider constructing the ultimate design for future improvements to Colorado Blvd which may include an option for a roundabout on Colorado Boulevard at 5th Street and 13th Street. Additional right-of-way was secured from adjacent property owners at no cost to the Town to allow for the construction of this option. Staff continues to support roundabouts because of their proven ability to nearly eliminate the risk of fatalities and serious injury accidents while efficiently moving traffic. We have had good experience with the roundabout on Aggregate Blvd/WCR7 in Wyndham Hill. Increasing traffic and congestion plus the potential for development west of this intersection are reasons this option is being presented for consideration at this time. If the 5th Street option is selected, consideration should be given to extending 5th Street as well to the west toward William Bailey Drive	\$300,000 for 5th Street roundabout \$600,000 13th Street roundabout \$500,000 for 5th Street extension	Installation of a roundabout at 5th Street and the extension of the roadway to the west helps with traffic congestion/flow and addresses one of the financial obligations of the Town associated with the new high school. There is also a strong possibility of a partnership on this improvement with the developer of record on the west side of Colorado Boulevard. Also, since the beginning of the year there have been three accidents between Tipple and 5th Street on Colorado Boulevard. This improved safety project may help minimize future events.
3	To improve safety, the Board may consider widening of Colorado Blvd. from SH52 to Tipple Parkway. This work would entail the widening of Colorado Blvd with a 4qpaved shoulder in each direction of traffic. Major cost items would include, earth excavation, pavement, and ancillary drainage improvements. The benefit of this improvement would include the minimizing of road closures along this section for median and street light maintenance. It would also provide a paved shoulder as a safety improvement through this corridor segment.	\$ 400,000	This project would also have a long-term benefit for the time when widening Colorado Boulevard to 4 lanes is warranted.